Session Law 82-058

Florida Senate & House of Representatives

Follow this and additional works at: https://ir.law.fsu.edu/staff-analysis

Part of the Legislation Commons

Recommended Citation
House of Representatives, Florida Senate &, "Session Law 82-058" (1982). Staff Analysis. 322.
https://ir.law.fsu.edu/staff-analysis/322

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.
<table>
<thead>
<tr>
<th>Year</th>
<th>Session</th>
<th>Law No.</th>
<th>IOP</th>
<th>Cite</th>
<th>#pp</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982</td>
<td></td>
<td>82-58</td>
<td></td>
<td>L 147-148</td>
<td>2</td>
</tr>
</tbody>
</table>

Prime Bill# 5B, 298

Sponsor: Comp./Sim. Bills HB 154

JLMC Hist. Senate Leg. Cites pp.#s 102-3

House Leg. Cites pp.#s 49-50

Committee of Ref.: Senate Transportation

House Transportation (Sub I)

Previous versions: none

Committee Records

<table>
<thead>
<tr>
<th>H/S Committee</th>
<th>Year</th>
<th>Record Series: Folder Title, etc.</th>
<th>Location Cite</th>
<th>#pp</th>
</tr>
</thead>
<tbody>
<tr>
<td>H Transp</td>
<td>1982</td>
<td>Meeting files (fuel)</td>
<td>19/944</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Subs) 1-12-82, 1-20-82 (Sub I)</td>
<td>19/945</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bill files: HB 61 (no 5A)</td>
<td>19/946</td>
<td>EC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S Transp</td>
<td>1982</td>
<td>General files: HSMV proposed leg.</td>
<td>18/12/4</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bill files: SB 101</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>SB 298</td>
<td>18/13/5</td>
<td>NE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Meeting files</td>
<td>18/12/17</td>
<td>NE</td>
</tr>
</tbody>
</table>

Senate/House Journals

<table>
<thead>
<tr>
<th>Page</th>
<th>?</th>
<th>Date</th>
<th>#pp</th>
<th>Page</th>
<th>?</th>
<th>Date</th>
<th>#pp</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 187</td>
<td>✓</td>
<td>Feb. 18, 1982 (SB 298)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>231-232</td>
<td>✓</td>
<td>Feb 25, 1982 (SB 298)</td>
<td>7/12</td>
<td>HJ 113</td>
<td>✓</td>
<td>Mar. 17, 1982 (SB 298)</td>
<td></td>
</tr>
</tbody>
</table>

Tape Recordings

<table>
<thead>
<tr>
<th>H/S Floor</th>
<th>Committee/subcommittee</th>
<th>Date</th>
<th># Tapes</th>
<th>Location Cite</th>
</tr>
</thead>
</table>

Other Documentation

<table>
<thead>
<tr>
<th>Record series title, folder title, etc.</th>
<th>Location Cite</th>
<th>#pp</th>
</tr>
</thead>
</table>
A bill to be entitled
An act relating to highway safety; creating s.
316.268, Florida Statutes, providing child
restraint requirements; providing a penalty;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.268, Florida Statutes, is
created to read:

316.268 Child restraint requirements.--

(1) Every driver transporting a child the age of 4
years or younger in a passenger car, van, or pickup truck
registered in the State of Florida and operated on the
roadways, streets, or highways of this state shall provide for
the protection of said child by properly using a crash-tested,
federally approved child restraint device. Failure to provide
and use a child passenger restraint shall not be considered
contributory negligence.

(2) A person found to be in violation of this section
shall be subject to a civil fine not to exceed $15. No person
charged with violating this section shall be convicted if,
prior to or at the time of his court or hearing appearance, he
produces in court, or submits to the clerk of the court in
which the charge is pending, proof of acquisition of required
child restraint. The clerk of the court is authorized to
dismiss such cases at any time if proof of acquisition is
produced prior to the defendant's scheduled court or hearing
appearance.

Section 2. This act shall take effect October 1, 1982.

CODING: Words in strike through type are deletions from existing law; words underlined are additions.
HOUSE SUMMARY

Provides that it is a noncriminal traffic infraction, punishable by fine of up to $15, for a driver to transport a child of 4 years of age or younger in a passenger car, van, or pickup truck registered and operated in this state without having provided for the child's protection in a crash-tested, federally approved child restraint device. Provides that the case may be dismissed if proof of purchase of such a device is produced prior to or at the time of the defendant's court or hearing appearance.
A bill to be entitled
An act relating to highway safety; creating s. 316.268, Florida Statutes; providing child restraint requirements; amending s. 318.18(2), Florida Statutes; providing a penalty; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.268, Florida Statutes, is created to read:

316.268 Child restraint requirements.--

(1) Every parent or legal guardian transporting a child the age of 5 years or younger in a passenger car, van, or pickup truck registered in the State of Florida and operated on the roadways, streets, or highways of this state shall provide for the protection of said child by properly using a crash-tested, federally approved child restraint device. For children through 3 years, such restraint device must be a separate carrier. For children 4 through 5 years, a separate carrier or seat belt may be used. Failure to provide and use a child passenger restraint shall not be considered contributory negligence, nor shall such failure be admissible as evidence in the trial of any civil action with regard to negligence.

(2) It is the legislative intent that all state, county, and local law enforcement agencies, and safety councils, in recognition of the problems with child death and injury from unrestrained occupancy in motor vehicles conduct a continuing safety and public awareness campaign as to the magnitude of the problem. No person charged with violating

CODING: Words in struck through type are deletions from existing law; words underlined are additions.
this section shall be convicted if, prior to or at the time of
his court or hearing appearance, he produces in court, or
submits to the clerk of the court in which the charge is
pending, proof of acquisition of required child restraint.
The clerk of the court is authorized to dismiss such cases at
any time if proof of acquisition is produced prior to the
defendant's scheduled court or hearing appearance.

Section 2. Subsection (2) of section 318.18, Florida
Statutes, is amended to read:

318.18 Amount of civil penalties.--The penalties
required for a noncriminal disposition pursuant to s.
318.14(1), (2) and (4) shall be as follows:
(2) Fifteen dollars for all nonmoving traffic
violations and for all violations of s. 320.07(3) and s.
316.268.

Section 3. This act shall take effect October 1, 1982.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR SENATE BILLS 298 & 101.
February 3, 1982

Every parent or legal guardian, rather than every driver,
transporting a child 5 years or younger (rather than 4)
shall provide protection to said child.

Children through 3 years of age are to be protected by the
use of a separate carrier. Children ages 4 and 5 may use
a separate carrier or a seat belt.

All state, county and local law enforcement agencies and
safety councils, in recognition of the problems created
by unrestrained children in motor vehicles, are to conduct
a continuing safety and public awareness campaign as to
the magnitude of the problem.

CODING: Words in struck through type are deletions from existing law; words underlined are additions.
A bill to be entitled
An act relating to motor vehicles; requiring
the use of certain child passenger restraint
systems when transporting children under 4
years of age; providing an exception; providing
an effective date.

WHEREAS, the safety of the citizens of the State of
Florida is a proper concern of the Florida Legislature, and
WHEREAS, a minor child cannot decide for himself
whether to use passenger safety equipment, and
WHEREAS, there are reported deaths of minors resulting
from their failure to be restrained in child restraint
devices, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Each parent or legal guardian of a child
under 4 years of age residing in this state shall be
responsible, when transporting such child on the roadways,
streets, or highways of this state in a motor vehicle owned by
that parent or guardian for providing for the protection of
such child and for properly using a child passenger restraint
system meeting federal motor vehicle safety standards.
However, nothing in this section shall restrict a mother,
while riding as a passenger in such vehicle from removing the
child from such system and holding the child when the mother
is nursing the child or attending to its other physiological
needs.

Section 2. This act shall take effect July 1, 1982.

CODING: Words in struck through type are deletions from existing law; words underlined are additions.
SENATE SUMMARY

Requires parents or legal guardians of children under 4 years of age, when transporting such children in any personally owned motor vehicle, to provide and use a child passenger restraint system which meets federal standards. Provides an exception for a mother who is a passenger in the motor vehicle and who is attending to the child's physiological needs.

CODING: Words in struck through type are deletions from existing law; words underlined are additions.
By Representatives Lippman, Evans-Jones, D. L. Jones and Gordon

A bill to be entitled

An act relating to highway safety; creating s.
316.268, Florida Statutes, providing child
restraint requirements; providing a penalty;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.268, Florida Statutes, is
created to read:

316.268 Child restraint requirements.--
(1) Every driver transporting a child the age of 4
years or younger in a passenger car, van, or pickup truck
registered in the State of Florida and operated on the
roadways, streets, or highways of this state shall provide for
the protection of said child by properly using a crash-tested,
federally approved child restraint device. Failure to provide
and use a child passenger restraint shall not be considered
contributory negligence.

(2) A person found to be in violation of this section
shall be subject to a civil fine not to exceed $15. No person
charged with violating this section shall be convicted if,
prior to or at the time of his court or hearing appearance, he
produces in court, or submits to the clerk of the court in
which the charge is pending, proof of acquisition of required
child restraint. The clerk of the court is authorized to
dismiss such cases at any time if proof of acquisition is
produced prior to the defendant's scheduled court or hearing
appearance.

Section 2. This act shall take effect October 1, 1982.
HOUSE SUMMARY

Provides that it is a noncriminal traffic infraction, punishable by fine of up to $15, for a driver to transport a child of 4 years of age or younger in a passenger car, van, or pickup truck registered and operated in this state without having provided for the child's protection in a crash-tested, federally approved child restraint device. Provides that the case may be dismissed if proof of purchase of such a device is produced prior to or at the time of the defendant's court or hearing appearance.

CODING: Words in struck through type are deletions from existing law; words underlined are additions.
By Committee on Transportation and Representatives Lippman, Evans-Jones, D. L. Jones, Gordon and others

A bill to be entitled
An act relating to highway safety; creating s. 316.268, Florida Statutes; providing child restraint requirements; amending s. 318.18(2), Florida Statutes; providing a penalty; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.268, Florida Statutes, is created to read:

316.268 Child restraint requirements.--

1. Every parent or legal guardian transporting a child the age of 5 years or younger in a passenger car, van, or pickup truck registered in the State of Florida and operated on the roadways, streets, or highways of this state shall provide for the protection of said child by properly using a crash-tested, federally approved child restraint device. For children through 3 years, such restraint device must be a separate carrier. For children 4 through 5 years, a separate carrier or seat belt may be used. Failure to provide and use a child passenger restraint shall not be considered contributory negligence, nor shall such failure be admissible as evidence in the trial of any civil action with regard to negligence.

2. It is the legislative intent that all state, county, and local law enforcement agencies, and safety councils, in recognition of the problems with child death and injury from unrestrained occupancy in motor vehicles conduct a continuing safety and public awareness campaign as to the magnitude of the problem. No person charged with violating
this section shall be convicted if, prior to or at the time of
his court or hearing appearance, he produces in court, or
submits to the clerk of the court in which the charge is
pending, proof of acquisition of required child restraint.
The clerk of the court is authorized to disburse such cases at
any time if proof of acquisition is produced prior to the
defendant's scheduled court or hearing appearance.
Section 2. Subsection (2) of section 318.18, Florida
Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties
required for a noncriminal disposition pursuant to s.
318.14(1), (2) and (4) shall be as follows:
(2) Fifteen dollars for all nonmoving traffic
violations and for all violations of s. 320.07(3) and s.
316.261.

Section 3. This act shall take effect October 1, 1982.

CODING: Words in brackets through type are deletions from existing law; words underlined are additions.
Florida House of Representatives - 1982

By Representative Evans-Jones

A bill to be entitled
An act relating to state uniform traffic
control; requiring the use of child passenger
restraint systems when transporting children
under 4 years of age; providing exceptions;
providing that failure to utilize such a
restraint system shall not be considered as
contributory negligence; providing that such
failure shall not be admissible as evidence in
any civil action; providing a penalty;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Child passenger restraint systems required;
exceptions; penalty.--

(1) Except as provided in subsection (2), effective
January 1, 1983, every parent or legal guardian of a child
under the age of 4 years residing in this state, when
transporting such child on the roadways, streets, or highways
of this state in a motor vehicle owned by that parent or
Guardian, shall be responsible for the protection of such
child by providing and properly utilizing a child passenger
restraint system meeting federal motor vehicle safety
standards. However, nothing in this section shall restrict a
parent, guardian, or other person who is 12 years of age or
older, while riding as a passenger in such vehicle, from
temporarily removing the child from the restraint system and
holding the child if necessary to feed the child or to
otherwise attend to the child's physiological needs.

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
(2) The term "motor vehicle" as used in this section shall not apply to:

(a) Recreational vehicles of the truck or van type.
(b) Trucks having a tonnage rating of 1 ton or more.

(3) In no event shall failure to utilize a child passenger restraint system as required in this section be considered as contributory negligence, nor shall such failure be admissible as evidence in the trial of any civil action.

(4) Violation of this section is hereby declared a noncriminal traffic infraction as defined in s. 318.13(3), Florida Statutes, punishable as provided in s. 316.655, Florida Statutes.

Section 2. This act shall take effect July 1, 1982.

***************

HOUSE SUMMARY

Provides that parents or legal guardians of children under 4 years of age shall, when transporting such children in any motor vehicle which they own, provide and utilize a child passenger restraint system meeting federal standards. Allows passengers who are 12 years of age or older to temporarily remove such children from the restraint system while attending to physiological needs. Exempts recreational vehicles and certain trucks.

Specifies that failure to utilize a child passenger restraint system shall not be considered contributory negligence or be admissible as evidence in the trial of any civil action.

Provides that violation is a noncriminal traffic infraction, punishable by fine of $15 or $25, or in certain instances, by mandatory hearing and fine of up to $500.

CODING: Words in struck through type are deletions from existing law; words underlined are additions.
S 0100 GENERAL BILL BY JENNE AND OTHERS (SIMILAR H 0214) CONTROLED SUBSTANCES; TRANSFERS METHAMPHETAMINE FROM SCHEDULE I TO A SCHEDULE II SUBSTANCES; INCREASES ONS& CONFORMS OTHER APPLICABLE PENALTY PROVISIONS, ETC. AMENDS 893.03, 13.135 EFFECTIVE DATE: 10/01/82. 10/22/81 SENATE PREFILED 10/27/81 SENATE REFERRED TO JUDICIARY-CRIMINAL 11/16/81 SENATE ON COMMITTEE AGENDA—JUDICIARY-CRIMINAL; 12/1/81 9:00 AM RC. C 12/01/81 SENATE INTRODUCED REFERRED TO JUDICIARY-CRIMINAL BY JUDICIARY-CRIMINAL 1/18/82 SENATE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY JUDICIARY-CRIMINAL 02/21/82 SENATE REMOVED FROM SCHEDULE II TO SCHEDULE III BY JUDICIARY-CRIMINAL; PASSED AS AMENDED. YEAS 35 NAYS 0 10/02/81 02/17/82 HOUSE RECEIVED, PLACED ON CALENDAR: READ SECOND TIME; READ THIRD TIME; PASSED; YEARS 101 NAYS 0 -HJ 00235 03/02/82 SENATE ORDERED EMERGED 03/09/82 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR—SJ 00397 03/15/82 APPROVED BY GOVERNOR: CHAP# NO. 82-2 -SJ 00469 S 0101 GENERAL BILL BY JENNIS (SIMILAR H 0081, COMPARE CS/H 0154, S 0298) CHILD RESTRAINT REQUIREMENTS; REQUIRES USE OF CERTAIN CHILD PASSENGER RESTRAINT SYSTEMS WHEN TRANSPORTING CHILDREN UNDER 4 YEARS OF AGE PROVIDES AN EXCEPTION EFFECTIVE DATE: 07/01/82. 10/22/81 SENATE PREFILED 10/27/81 SENATE REFERRED TO TRANSPORTATION 03/15/82 SENATE REFERRED TO JUDICIARY-CRIMINAL 02/22/81 SENATE ORDERED EMERGED 03/09/82 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR—SJ 00397 03/15/82 APPROVED BY GOVERNOR CHAP# NO. 82-2 -SJ 00469 S 0102 JOINT RESOLUTION BY JENNE AND OTHERS (COMPARE ENG/H 0039) SEARCHES RESIDENTIAL AND PERSONAL CARS; LIMITS PROVIDENT LIMIT OF THE SEARCH TO THE ENCLOSURE OF THE CARS, INCLUDING EVIDENTIARY STANDARDS FOR ADMISSIBILITY OF EVIDENCE. AMENDS S. 12, ART. 4. CONTINUED ON NEXT PAGE
S 0294

GENERAL BILL BY STUART AND OTHERS (IDENTICAL CS/H 0050, S 0574) VETERANS; AMENDS PROVISION RE ELIGIBILITY FOR EDUCATIONAL BENEFITS TO CHILDREN OF PRISONERS OF WAR & PERSONS MISTREATED IN PRISONS, ETC. AMENDS PROVISION RE STATE EDUCATIONAL BENEFITS FOR CHILDREN OF PRISONERS OF WAR & PERSONS MISTREATED IN PRISONS, ETC. AMENDS EFFECTIVE DATE: 07/01/82. 12/09/81 SENATE REFERRED TO COMMITTEE AGENDA—EDUCATION 1/25/82 2 PM RM A

12/09/81 SENATE COMM. REPORT: FAVORABLE BY EDUCATION—SJ 00030

01/25/82 SENATE PLACED ON SPECIAL ORDER CALENDAR—SJ 00085

01/25/82 SENATE WITHDRAWN FROM APPROPRIATIONS—SJ 00074; PLACED ON CALENDAR—SJ 00085

02/04/82 SENATE PLACED ON SPECIAL ORDER CALENDAR; PASSED; YEAS 38 NAYS 0—SJ 00121

02/09/82 HOUSE IN MESSAGES

02/11/82 HOUSE RECEIVED, REFERRED TO VETERANS AFFAIRS, APPROPRIATIONS—MJ 00013

02/22/82 HOUSE WITHDRAWN FROM VETERANS AFFAIRS—MJ 00030; NOW IN APPROPRIATIONS

02/23/82 HOUSE WITHDRAWN FROM APPROPRIATIONS—MJ 00030; PLACED ON CALENDAR

03/08/82 HOUSE SUBSTITUTED FOR CS/H 501; READ SECOND TIME; AMENDMENTS ADOPTED—MJ 00037

03/09/82 HOUSE READ THIRD TIME; PASSED AS AMENDED; YEAS 100 NAYS 0—MJ 00042

03/09/82 SENATE IN MESSAGES

03/10/82 SENATE CONCURRED; PASSED AS AMENDED; YEAS 38 NAYS 0;—SJ 00040

03/13/82 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR—SJ 00055

04/05/82 SENATE ORDERED ENGROSSED, THEN ENROLLED—SJ 00371

S 0294

GENERAL BILL/CS BY TRANSPORTATION, JENNE, JENKINS (IDENTICAL CS/H 0154, S 0574) PAROLE & PROBATION, CARLUCCI (IDENTICAL S 0617, COMPARE CS/H 0447). GENERAL BILL/CS BY STUART AND OTHERS (IDENTICAL CS/H 0050, S 0574) VETERANS; AMENDS PROVISION RE ELIGIBILITY FOR EDUCATIONAL BENEFITS TO CHILDREN OF PRISONERS OF WAR & PERSONS MISTREATED IN PRISONS, ETC. AMENDS PROVISION RE STATE EDUCATIONAL BENEFITS FOR CHILDREN OF PRISONERS OF WAR & PERSONS MISTREATED IN PRISONS, ETC. AMENDS EFFECTIVE DATE: 07/01/82.
### Florida Legislature - Regular Session - 1982

#### History of House Bills

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/17/82</td>
<td>Passed, Refr'd to C/S 59 298 ich. 82-583 - HJ 00713</td>
</tr>
<tr>
<td>02/17/82</td>
<td>Passed, Refr'd to C/S 59 298 ich. 82-583 - HJ 00713</td>
</tr>
<tr>
<td>02/01/82</td>
<td>House on Committee Agenda-- for Subreferral: HJ 00713</td>
</tr>
<tr>
<td>02/08/82</td>
<td>Introduced, Referred to Governmental Operations - HJ 00020</td>
</tr>
<tr>
<td>02/01/82</td>
<td>House on Committee Agenda-- for Subreferral: HJ 00713</td>
</tr>
<tr>
<td>02/08/82</td>
<td>Introduced, Referred to Governmental Operations - HJ 00020</td>
</tr>
<tr>
<td>01/18/82</td>
<td>House on Committee Agenda-- C/S 59 1621 passed yeas 38 nays 0 - HJ 00007</td>
</tr>
<tr>
<td>03/25/82</td>
<td>Died in Committee on Appropriations</td>
</tr>
<tr>
<td>03/17/82</td>
<td>Passed, Refr'd to C/S 59 298 ich. 82-583 - HJ 00713</td>
</tr>
<tr>
<td>02/01/82</td>
<td>House on Committee Agenda-- for Subreferral: HJ 00713</td>
</tr>
<tr>
<td>02/08/82</td>
<td>Introduced, Referred to Governmental Operations - HJ 00020</td>
</tr>
<tr>
<td>01/18/82</td>
<td>House on Committee Agenda-- C/S 59 1621 passed yeas 38 nays 0 - HJ 00007</td>
</tr>
<tr>
<td>03/25/82</td>
<td>Died in Committee on Appropriations</td>
</tr>
</tbody>
</table>

#### Title

**M 0152 General Bill by Robinson (Identical S 01223)**

**Title:** Controlled Mail Service; Requires the General Services Department to establish a mail service within Capitol Center; Requires survey and report; authorizes contracts with private entities; Requires certain agencies to use such services; Provides exceptions; Appropriation: 968,000. Effective Date: 07/01/82.

**History:**
- 11/05/81 House Prefiled, Referred to Criminal Justice
- 12/18/81 House On Committee Agenda-- Subcomm.: 21 HOB; 9:00 AM; 01/12/82
- 01/18/82 House Targeted for State Fiscal Impact: Introduced, Referred to Governmental Operations, Appropriations: HJ 00020; On Committee Agenda-- C/S 59 21 HOB; 9:00 AM; 01/20/82
- 01/22/82 House Comm. Report: Favorable With Amendments; Passed, Referred to Subcommittee on General Government (Sub. 113)
- 03/25/82 House Died in Committee on Appropriations

#### Title

**M 0153 General Bill by Kimmel (Identical S 01545)**

**Title:** Legal Advertisements; Requires that name of the entity required to publish a legal advertisement or notice appear in capital letters at the top of notice. Amendments: S 01545. Effective Date: 07/01/82.

**History:**
- 11/05/81 House Prefiled, Referred to Judiciary
- 01/18/82 House Introduced, Referred to Judiciary - HJ 00020; Subreferred to Subcommittee on Court Systems and Miscellaneous on Committee Agenda-- Subcomm.: 212 HOB; 1:30 PM; 01/20/82
- 01/25/82 House on Committee Agenda-- Judiciary: 212 HOB; 1:10 PM
- 01/28/82 House Comm. Report: Favorable, Placed on Calendar by Judiciary
- 03/25/82 House Died in Calendar

#### Title

**M 0154 General Bill/C/S by Transportation, Lippman, Evans-Jones, Gooden; Jones, O. L. and Others (Identical C/S 0298, Compare H C/S 3 0113)**

**Title:** Child Restraint Requirements; Provides Child Restraint Requirements; Provides a Penalty. Creates 316.286; Amends 318.18. Effective Date: 10/01/82.

**History:**
- 11/05/81 House Targeted for Private Sector Impact: Introduced, Referred to Transportation - HJ 00020; Subreferred to Subcommittee on Transportation - HJ 00020; On Committee Agenda-- Subcomm.: 317 HOB; 1:30 PM; 01/20/82
- 02/08/82 House on Committee Agenda-- Transportation: 413 C; 1:10 PM; 01/23/82
- 02/11/84 House Comm. Report: C/S Placed on Calendar by Transportation - HJ 00023
- 02/18/82 House on Special Order Calendar
- 02/17/82 House Died on Special Order Calendar
- 03/17/82 House Died in Committee

#### Title

**M 0155 General Bill by Allen and Others (Identical S 01233)**

**Title:** Controlled Substances; Transfers Meperidine from a Schedule II to a Schedule III Substance; Increases One & Conforms Other Applicable Penalty Provisions, Amends O.D.C. 03. Effective Date: 07/01/82.

**History:**
- 11/05/81 House Prefiled, Referred to Criminal Justice
- 11/28/81 House On Committee Agenda-- Subcomm.: 212 HOB; 9:00 AM; 12/16/81
- 12/18/81 House on Committee Agenda-- Criminal Justice: 317 C; 9:00 AM; 01/13/82
- 01/18/82 House Introduced, Referred to Criminal Justice - HJ 00020; On Committee Agenda-- Criminal Justice 317 C; 2:30 PM; 01/21/82
- 01/22/82 House Comm. Report: C/S Placed on Calendar by Criminal Justice
- 02/02/82 House Placed on Special Order Calendar
- 02/08/82 House C/S Read First and Second Times - HJ 00165
- 02/09/82 House Read Third Time; C/S passed; Yeas 113 Nays 0 - HJ 00176
- 03/07/82 Senate in Messages
- 04/07/82 Senate Referred, Referred to Judiciary-Criminal - SJ 00199
- 04/09/82 Senate on Committee Agenda-- Judiciary: 00143
- 05/02/82 Senate Comm. Report: Favorable With Amendments; Placed on Calendar by Judiciary-Criminal - SJ 00296
- 06/12/82 Senate in Messages
- 06/25/82 House Died in Messages, 01N, SJ/SJ, Compare Bill Passed, Refer to SB 100 (ICH. 82-167)

#### Title

**M 0156 General Bill by Lippman, Lippman, Smith, L. J. and Others (Identical S 01001)**

**Title:** Controlled Substances; Transfers Methaqualone from a Schedule II to a Schedule III Substance; Increases One & Conforms Other Applicable Penalty Provisions, Amends O.D.C. 03. Effective Date: 07/01/82.

**History:**
- 11/05/81 House Prefiled, Referred to Criminal Justice
- 11/28/81 House On Committee Agenda-- Subcomm.: 212 HOB; 9:00 AM; 12/16/81
- 12/18/81 House on Committee Agenda-- Criminal Justice: 317 C; 9:00 AM; 01/13/82
- 01/18/82 House Introduced, Referred to Criminal Justice - HJ 00020; On Committee Agenda-- Criminal Justice 317 C; 2:30 PM; 01/21/82
- 01/22/82 House Comm. Report: C/S Placed on Calendar by Criminal Justice
- 02/02/82 House Placed on Special Order Calendar
- 02/08/82 House C/S Read First and Second Times - HJ 00165
- 02/09/82 House Read Third Time; C/S passed; Yeas 113 Nays 0 - HJ 00176
- 03/07/82 Senate in Messages
- 04/07/82 Senate Referred, Referred to Judiciary-Criminal - SJ 00199
- 04/09/82 Senate on Committee Agenda-- Judiciary: 00143
- 05/02/82 Senate Comm. Report: Favorable With Amendments; Placed on Calendar by Judiciary-Criminal - SJ 00296
- 06/12/82 Senate in Messages
- 06/25/82 House Died in Messages, 01N, SJ/SJ, Compare Bill Passed, Refer to SB 100 (ICH. 82-167)

#### Title

**M 0157 General Bill by Lehman (Compare H 0161, C/S 01010)**

**Title:** Establish a mail service within Capitol Center; Requires survey & report; authorizes contracts with private entities; Requires certain agencies to use such services; Provides exceptions; Appropriation: 968,000. Effective Date: Upon Becoming Law.

**History:**
- 11/05/81 House Prefiled, Referred to Criminal Justice
- 11/28/81 House Introduced, Referred to Criminal Justice - HJ 00020
- 02/08/82 House Died in Committee, 01N, SJ/SJ, Compare Bill Passed, Refer to C/S 59 410 ich. 82-1453

#### Title

**M 0158 General Bill by Brown, Witherspoon, Ad Valorem Tax Exemption; Revises the Description of Community Center Property Which Is Exempt From Ad Valorem Taxation. Amends 19b.1986.**

**History:**
- 03/27/82 Continued on Next Page
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page 61</th>
<th>Page 62</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGENCIES; UNCONSCIONABLE; PRACTICED</td>
<td>$749,717</td>
<td>2ND GAS TAX, BOE DISTRIBUTION COUNTRIES ADMIN. BD. AUTHORITY</td>
</tr>
<tr>
<td>SALES; FAIR MARKET VALUE</td>
<td>CS/5/1953</td>
<td>$3,39,34,252,509</td>
</tr>
<tr>
<td>SALES; RIGHT OF FIRST REFUSAL &amp; ALTERNATIVES</td>
<td>$79,759,519,352</td>
<td>2ND MOTOR FUEL TAX, COUNTRIES ADMIN. BD. AUTHORITY</td>
</tr>
<tr>
<td>ZONING; NOTICE TO TENANT RE NATURE &amp; TYPE</td>
<td>CS/76,783,783</td>
<td>$79,759,519,352</td>
</tr>
<tr>
<td>RENTAL AGREEMENTS, UNCONSCIONAL</td>
<td>$787</td>
<td>AUTO CLUB SERVICES INSURANCE CODE EXEMPTION</td>
</tr>
<tr>
<td>TITLE CERTIFICATES; SALES PRICE; ENCUMBERANCE</td>
<td>CS/1953,503,503</td>
<td>AUTO INSPECTION/HARNESS YARDS; DESIGNATED SERVICE</td>
</tr>
<tr>
<td>UNIFORM RATE OF TAXATION 9 CENTS PER SQ. FOOT.</td>
<td>$938</td>
<td>AUTOMOBILE CLUBS; LEGAL EXPENSE INSURANCE</td>
</tr>
<tr>
<td>WATER HELDS; USE ALLOWED; INSURANCE REQUIRED.</td>
<td>E/M/1953</td>
<td>$795</td>
</tr>
<tr>
<td>MODELING AGENCIES SEE; STATE, DEPT. OF</td>
<td></td>
<td>CIVIL PASSENGER AIRCRAFT SYSTEMS</td>
</tr>
<tr>
<td>MONROE COUNTY CRIMINAL ANALYSIS LABORATORY SYSTEM, STATEWIDE</td>
<td>$679,51952</td>
<td>&amp; INSTITUTE BEACON LIGHT, CERTAIN SCHOOL TRUST FUND ALLOCATION BY QD</td>
</tr>
<tr>
<td>KEYS ADJACENT AUTHORITY SO. PLA. WATER</td>
<td></td>
<td>$301,51954</td>
</tr>
<tr>
<td>HOSPITAL DISTRICT; NOTES; INTEREST RATES; HONEY CAP, ETC.</td>
<td>$5108</td>
<td>PUBLIC UTILITY CUSTOMER DEPOSITS; INTEREST PAYMENT</td>
</tr>
<tr>
<td>KEY WEST REDEVELOPMENT AGENCY; TAKING POWERS HOUSE BUILDING, ETC.</td>
<td></td>
<td>$795</td>
</tr>
<tr>
<td>LANDS, CITY-OWNED OPTION TO PURCHASE</td>
<td>$543</td>
<td>ROAD RESTORING, BEACON LIGHT, CERTAIN SCHOOL TRUST FUND ALLOCATION BY QD</td>
</tr>
<tr>
<td>PUBLIC UTILITY CUSTOMER DEPOSITS; INTEREST PAYMENT</td>
<td></td>
<td>$795</td>
</tr>
<tr>
<td>ROAD RESURFACING, BEACON LIGHT, CERTAIN SCHOOL TRUST FUND ALLOCATING BY QD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SPOON DIVING PROHIBITED</td>
<td></td>
<td>PUBLIC UTILITY CUSTOMER DEPOSITS; INTEREST PAYMENT</td>
</tr>
<tr>
<td>MOPEDS SEE; BICYCLES</td>
<td></td>
<td>$795</td>
</tr>
<tr>
<td>MORTGAGES</td>
<td></td>
<td>REPAIRS, FAILURE TO PAY; LIENS</td>
</tr>
<tr>
<td>DOCUMENTARY EXCISE TAX SEE; DOCUMENTARY EXCISE TAX</td>
<td></td>
<td>TITLE CERTIFICATES, PREVIOUS USE NOTATION DELETED SELLER'S</td>
</tr>
<tr>
<td>FORECLOSURES; EXECUTION SALE; MINIMUM BIO; OWNER'S RIGHT TO REDEME; 90-DAY PERIOD</td>
<td></td>
<td>PRICE INDICATED.</td>
</tr>
<tr>
<td>FORECLOSURE TO ENSURE 90-DAY TO REAL PROPERTY; CONDITION</td>
<td>$900</td>
<td>$3,39,34,252,509</td>
</tr>
<tr>
<td><strong>Loans; Compound Interest, LEGALITY, $692,79,51952,51954,51906</strong></td>
<td></td>
<td>2ND MOTOR FUEL TAX, COUNTRIES ADMIN. BD. AUTHORITY</td>
</tr>
<tr>
<td><strong>Shared Appreciation; Usurious Contracts Rate; EXEMPTION</strong></td>
<td>$398,717</td>
<td>$79,759,519,352</td>
</tr>
<tr>
<td>MOTION PICTURES</td>
<td></td>
<td>AUTO CLUB SERVICES INSURANCE CODE EXEMPTION</td>
</tr>
<tr>
<td>EQUIPMENT, TAX EXEMPTION SEE; SALES TAX</td>
<td></td>
<td>AUTO INSPECTION/HARNESS YARDS; DESIGNATED SERVICE</td>
</tr>
<tr>
<td>FAIR COMPENSATION; BLIND BIDDING PROHIBITED</td>
<td>$637,51976</td>
<td>AUTOMOBILE CLUBS; LEGAL EXPENSE INSURANCE</td>
</tr>
<tr>
<td>MACHINE OPERATORS; LICENSING &amp; EXAMINATION LAW REPEALED; $6033 ** **</td>
<td></td>
<td>$795</td>
</tr>
<tr>
<td>RATING; INFORMATION PERSONS UNDER 18 YEAR; PROHIBITED</td>
<td>$974,717</td>
<td>CIVIL PASSENGER AIRCRAFT SYSTEMS</td>
</tr>
<tr>
<td>N/A; RATED MOVIES, CABLE/subscription TV 6 AM TO 10 PM PROHIBITED</td>
<td></td>
<td>$5157</td>
</tr>
<tr>
<td>MOTOR CARRIERS</td>
<td></td>
<td>RECOVERY, REDEMPTION AGENCY; TAXPAYERS Hwy BUILDING</td>
</tr>
<tr>
<td>COMMERCIAL CARRIERS, STATE OPERATION; PRIVILEGE TAX EXEMPTION</td>
<td>$292</td>
<td>SMALL TRUCKS &amp; TRAILERS</td>
</tr>
<tr>
<td>MOTORCYCLES</td>
<td></td>
<td>SMALL TRUCKS &amp; TRAILERS</td>
</tr>
<tr>
<td>EXAMINATIONS &amp; LICENSING; SEPARATE PERSONS HAVING ACCIDENTS</td>
<td></td>
<td>SMALL TRUCKS &amp; TRAILERS</td>
</tr>
<tr>
<td>EYE-PROTECTIVE DEVICES; LAW REPEALED</td>
<td>$319</td>
<td>SMALL TRUCKS &amp; TRAILERS</td>
</tr>
<tr>
<td>HELMETS, BLENDED WITH GASOLI; REFUND PROVISION DELETED.</td>
<td>$949,717</td>
<td>SMALL TRUCKS &amp; TRAILERS</td>
</tr>
<tr>
<td>HOSPITAL DISTRICT; NOTES; INTEREST RATES; HONEY CAP, ETC.</td>
<td>$5108</td>
<td>SMALL TRUCKS &amp; TRAILERS</td>
</tr>
<tr>
<td>NOISE LEVELS, MAXIMUM INSTALLATION SALES</td>
<td>$572,51938</td>
<td>SMALL TRUCKS &amp; TRAILERS</td>
</tr>
<tr>
<td>OPERATOR LICENSING; SAFETY EDUCATION COURSE; PUBLIC SCHOOLS</td>
<td>$319,51939</td>
<td>SMALL TRUCKS &amp; TRAILERS</td>
</tr>
<tr>
<td>MOUNT DORA CITY OF</td>
<td></td>
<td>SMALL TRUCKS &amp; TRAILERS</td>
</tr>
</tbody>
</table>
Current Status and Pending Bills

During 1981, Child Passenger Protection legislation was introduced in 41 states in efforts to halt the increasing death and injury of children less than five years old from automobile accidents. The fact that less than 10% of children in this age group ride in the safety of correctly used, federally approved child restraints has prompted state legislatures to address this issue.

To date, eight states have passed legislation that directly require young children to ride in an approved child restraint device when being transported in a motor vehicle. Two states passed educational bills and six states have child restraint usage requirement bills pending before their legislatures, with resolution expected in early 1982. The following chart provides a synopsis of all current laws and pending bills as of December 9, 1981:

<table>
<thead>
<tr>
<th>STATE</th>
<th>EFFECTIVE DATE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>KANSAS</td>
<td>January 1, 1982</td>
<td>All children less than 2 years must be in child safety seats when riding in the front seat of a passenger car owned and operated by parent or legal guardian. Requires oral warning and information to be provided to violators. Provides that the Secretary of Transportation shall develop a program of public information.</td>
</tr>
<tr>
<td>HB2208</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MICHIGAN</td>
<td>April 1, 1982</td>
<td>All children less than 1 year must be in child safety seats when riding in a car driven by a resident of the state. From 1 year to 4 years, seat belts may be substituted if riding in rear seat only. Taxis and bus passengers are exempt. An additional exception is made for nursing mothers. Fines levied are not to exceed $10 and are waived upon purchase or rental of seat.</td>
</tr>
<tr>
<td>S115</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NEW YORK</td>
<td>April 1, 1982</td>
<td>All children less than 5 years must be in a child safety seat when riding in a passenger motor vehicle registered in the state. Fines levied are not to exceed $25 and are waived upon proof of purchase or rental of seat.</td>
</tr>
<tr>
<td>S3639</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

COPY reproduced by FLORIDA STATE ARCHIVES DEPARTMENT OF STATE R. A. GRAY BUILDING Tallahassee, FL 32399-0250 Series Garson
<table>
<thead>
<tr>
<th>STATE</th>
<th>EFFECTIVE DATE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH CAROLINA</td>
<td>July 1, 1982 to June 30, 1985</td>
<td>All children less than 2 years must be in a child safety seat when transported in a motor vehicle registered in the state and owned and operated by parent or legal guardian. Does not apply unless a child is occupying a seat where safety belts are required by law. Between 1 and 2 years, safety belts may be substituted. Exemptions are made for attending to the personal needs of a child. Warning tickets only will be issued from 7/1/82 to 6/30/84. Thereafter a fine of $10 is applicable. The University of North Carolina Highway Safety Research Center will conduct the effectiveness of the law.</td>
</tr>
<tr>
<td>MINNESOTA</td>
<td>January 1, 1982</td>
<td>All children less than 4 years old must be in a child safety seat when traveling in a motor vehicle owned and operated by parent or legal guardian. Hazard warning and information will be issued for violators.</td>
</tr>
<tr>
<td>RHODE ISLAND</td>
<td>Original law effective July 1, 1980</td>
<td>All children less than 3 years old must be in a child safety seat when traveling in the front seat of a motor vehicle. Fine levy set at $15.</td>
</tr>
<tr>
<td></td>
<td>Amended effective April, 1981</td>
<td>Amended to require the use of child safety seat for children less than 3 years traveling in the front and back seat. Fine will be waived upon proof of purchase of a seat to issuing police department within 7 days.</td>
</tr>
<tr>
<td>TENNESSEE</td>
<td>Original law effective January 1, 1978</td>
<td>All children less than 4 years of age must be either in a child safety seat or held in the arms of an older passenger when riding in a motor vehicle owned and operated by parent or legal guardian. Exemption for recreation vehicles and trucks. Fine levy of between $2-$10.</td>
</tr>
<tr>
<td></td>
<td>Amended effective April 1, 1981</td>
<td>This bill was amended to exclude being held in the arms of an older passenger except when the mother is attending to the needs of the child.</td>
</tr>
<tr>
<td>STATE</td>
<td>EFFECTIVE DATE</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>WEST VIRGINIA</td>
<td>July 10, 1981</td>
<td>All children less than 5 years must be in a child safety seat when traveling in a motor vehicle registered in the state. For children between 3-5 years, a safety belt may be substituted. A fine of $10-$20 will be waived upon proof of purchase of safety seat within 30 days of violation.</td>
</tr>
<tr>
<td>HB917</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CALIFORNIA</td>
<td>September, 1980 to</td>
<td>Secretary of Business Transportation shall conduct a public education program about the importance of restraint use for children less than 15 years. Hazard warnings will be given to people operating vehicles with unrestrained children. Fresno County area was chosen as the pilot area for survey.</td>
</tr>
<tr>
<td>AB1198</td>
<td>January 1, 1983</td>
<td></td>
</tr>
<tr>
<td>MAINE</td>
<td>June, 1981 to June 30, 1983</td>
<td>The Commissioner of Public Safety shall develop and implement a public information program to increase restraint usage for children less than 4 years of age. Hazard warnings will be given if a vehicle is stopped for another reason and unrestrained children are observed. A study of usage rates shall be conducted.</td>
</tr>
<tr>
<td>HB1560</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VIRGINIA</td>
<td></td>
<td>A Joint Resolution was passed requesting that the State Department of Transportation distribute information on child restraint systems.</td>
</tr>
</tbody>
</table>

CURRENT BILLS STILL PENDING (As of October 12, 1981)

<table>
<thead>
<tr>
<th>STATE</th>
<th>BILL #</th>
<th>DESCRIPTION</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>MASSACHUSETTS</td>
<td>H7162</td>
<td>All children less than 5 years must be in a child safety seat unless all seating positions equipped with safety belts are being used. Exemptions will be for taxis; or physical inability of child, or if vehicle not equipped with belts. A fine of $25 will be waived upon proof of purchase of a seat.</td>
<td>Passed House 9/15 by voice vote. Senate vote postponed until early 1982.</td>
</tr>
<tr>
<td>STATE</td>
<td>BILL #</td>
<td>DESCRIPTION</td>
<td>STATUS</td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>NEW JERSEY</td>
<td>AB934</td>
<td>All children less than 4 years must be either in a child safety seat or held in the arms of a passenger, 12 years of age or older when riding in a motor vehicle owned and operated by parents or legal guardian. Fine of between $10-$25.</td>
<td>Introduced 2/80, hope to have hearings scheduled next term (after 12/81).</td>
</tr>
<tr>
<td>OHIO</td>
<td>HB605</td>
<td>All children less than 1 year must be in a child safety seat when traveling in a motor vehicle. Children between the ages of 1-4 years or 40 lbs., must be in a child safety seat when being transported by parent or legal guardian, or in a car owned, leased, or hired by a nursery school, day-care center or kindergarten. Otherwise, for children between 1-4 years or 40 lbs., a safety belt can be substitutes if a safety seat is not available. No fine.</td>
<td>In House Committee hearings. May be Floor vote by early 1982.</td>
</tr>
<tr>
<td>PENNSYLVANIA</td>
<td>SB592</td>
<td>All children less than 4 years or 40 lbs. (whichever occurs first) must be in a child safety seat when traveling in a passenger car originally equipped with safety belts registered in the state. A fine of $25 will be waived upon proof of acquisition of seat.</td>
<td>Passed Senate 38-10 House Committee hearings mid-October, House vote may be December 11, 1981.</td>
</tr>
<tr>
<td>WISCONSIN</td>
<td>AB600</td>
<td>All children less than 1 year must be in a child safety seat when traveling in a motor vehicle owned and operated by a parent or legal guardian. For children between ages of 1-4 years, a seat belt can be substituted in the back seat only. Fines vary between $25-$200, and will be waived upon purchase or lease and installation of a seat.</td>
<td>In Committee, may be Assembly vote in early 1982.</td>
</tr>
</tbody>
</table>
Califonia

Bill # S537

Description

Dealers, lessors and car rental agencies must offer seats as an option. The bill may be amended and redrafted for introduction in January, 1982 as a usage bill. Tentative plans call for all children less than 4 years to be in a child safety seat when riding in a car owned and operated by parent or legal guardian. A seat belt can be substituted in other vehicles when safety seats are not available.

In Committee, amended version may be introduced in January, 1982 (Tentative)

Most of the legislation that has been introduced deals with four main components:

- the age and weight of the child
- the positions in the motor vehicle where safety seats must be used
- who, and under what circumstances are the laws applicable
- sanctions, if any for violations

Virtually, all of the legislation specifies age and/or weight limits. Four years and/or 40 lbs are the most often cited figures although some states go as low as one year and/or 20 lbs. and then make a further breakdown as to the types of safety seats necessary for certain age groups.

The second issue, that of where safety seats must be used in the car, is more standardized. Most states recognize the hazards of children riding unprotected anywhere in the car and thus do not differentiate between safety seat usage in the front or back seat. The obstacles facing passage of the bills have prompted some legislatures however, to initially settle for weakened versions which do differentiate. The recent Kansas law is one such example; initially there was no distinction, however, it was amended during the process to exclude the back seat (Age limit was lowered from five years to two years as well.). Similarly, Rhode Island's original law, passed last April, had those same provisions; although, it was amended this year to include the back seat as well as the front.

The issues of applicability and sanctions for violations represent the areas of greatest difference among states. These differences revolve around the relationship of the parent to the child and the ownership of the vehicle. Several bills specify that the law will only apply to motor vehicles owned and operated by the parent or legal guardian. Other bills specify that it applies whenever the parent or legal guardian is driving any vehicle registered in that state. Still others do not deal with the nuances at all but rather set forth the intent that all children under a certain age be restrained when transported in a passenger vehicle within that state regardless of the circumstances. This would, of course, exempt school buses but not necessarily carpools.
There may also be exemptions if there is a physical reason why the child cannot be in a safety seat or if all positions equipped with seat belts (necessary for proper usage of the safety seats) are occupied. The "physiological needs amendment" is also contained in some of the proposed legislation. States that have passed bills with this amendment are currently attempting to repeal it.

Sanctions vary as well. Some bills do not indicate a monetary fine, others provide for waiver upon presentation of proof of purchase or rental of a safety seat. The fines generally range from $2.00 to $50.00 with some fines increasing after the first violation. Only Virginia's bill allows for a suspension of the fine if financial inability can be demonstrated. In some instances, violations will result in points assessed on the individual's driving record.

ISSUES ASSOCIATED WITH CHILD PASSENGER SAFETY LEGISLATION

Discussions held with proponents of child passenger safety legislation from the majority of the 41 states that introduced bills, provided the following outline of recurring issues held by opponents of those child restraint bills.

- The proposed child restraint legislation is an infringement on individual rights.

Children between the ages of 0-4 do not have the same opportunity as adults to protect themselves, as they are at the mercy of their "protectors". In this respect, the government can fulfill a natural role just as it does in mandating certain immunizations for these same children. Additionally, the child is not the only one at risk. Children who are allowed to roam freely within a moving vehicle pose a great risk to innocent drivers on the same road who may become involved in crashes as a result. A study conducted by the Highway Safety Research Center of the University of North Carolina at Chapel Hill found that unrestrained children frequently are a contributing factor in automobile accidents. After analyzing North Carolina accident report narratives from 1977, children were identified as being partially responsible in 236 collisions. According to the report, over half of the collisions could "definitely" have been prevented if the children had been in a child restraint device or seat belt. Additionally, there was a strong probability reported that 11 percent of the accidents could have been prevented if the children had been properly restrained. According to the reports, a number of drivers lost control of their vehicles while attempting to catch falling children and in other cases, the driver's attention was distracted by the children. A third type of accident was the result of a child grabbing the steering wheel or stepping on the accelerator. The property damage and injury costs resulting from these accidents were estimated to exceed $1.5 million.

Proponents of the legislation argue the position that an injured child in an automobile accident is an "infringement on every taxpayers rights"; especially the child of low income families. Funeral and hospital costs incurred as a result of an automobile accident far exceed the cost of a child restraint. This illustrates a direct economic benefit of this type of legislation. When an accident occurs and a child is injured, it becomes the public's responsibility to assist that child by transporting him to the hospital and providing medical and rehabilitative services. If permanent injuries occur, the state may have to support that individual for life. If the public is to
provide these types of services, then it has the right and responsibility to insist on a means of injury reduction. Such a means is the use of a crash tested, federally approved child restraint.

The Bureau of Highway Safety in the Department of Veteran and Community Affairs has over the past two years developed child restraint loaner programs. Monies have been appropriated for such programs in five Florida metropolitan areas and plans are underway for additional programs. These monies are and will continue to be possible under a congressional mandate appropriating 2 percent of the State's entire highway safety package to be used exclusively for occupant restraints. Through these loaner programs, "seats that retail from between $30-$60 are rented for a small fee of $10-$15. When the child outgrows the seat and it is returned to the loaner agency, half of that fee is returned to the parent. The other half is used for maintenance of the seat in order that it may be recirculated into the community. The military may provide another alternative by using federal dollars to purchase child restraints under their family assistance provision. Many states that have passed child restraint legislation are discovering a virtual "umbrella" of resources opening in each community. Family service agencies, hospitals, health departments, churches, neighborhood and civic groups are purchasing seats in bulk (for a reduced rate) and loaning or renting them to low income families.

Insurance companies are exploring the possibility of including an allowance for a restraint device in their maternity coverage policies. State departments of family services are reviewing inclusion of child restraints into their assistance programs.

These alternatives may be presented to persons who are concerned that low income families might be unable to afford a child restraint.

Prior to the passage of the child restraint legislation in 1978 in Tennessee, the position taken on the expense of a restraint was that anyone who could afford to buy a car, auto insurance, gasoline, oil, maintenance and repairs could afford a car seat. Since the law went into effect, however, this issue has not arisen as Tennessee has loaner programs in 60 of its 70 counties. The development of this interest in loan programs appeared to be as a result of the law in combination with the State's educational program.

Several states are exploring the development of a system of rebate or economic incentives for purchasing seats for low income families.

- Concern was expressed with regard to the language in the majority of the proposed bills that read "all drivers transporting a child the age of 4 years or younger... shall provide for the protection of said child by properly using an approved child restraint device. (Florida's is almost identical to this.) The opposition to this language was:

  A. A grandparent or relative cannot take the child for a ride in his/her car without a car seat.

  B. Taxi drivers will be required to transport children in car seats. Who will provide the restraint, the parent or taxi driver?
C. Day care providers will be required to transport children in car seats. Who will provide the restraint, the parent or day care provider?

D. Will bus drivers and ambulance drivers be exempt?

E. How can handicapped children ride in car seats?

Those involved in the promotion of the child passenger safety legislation felt that none of these considerations were insurmountable. Compromise was achieved by rewording the language without sacrificing passage of a satisfactory law.

For example, the first 4 objections can be dealt with satisfactorily by rewording the law as follows:

"Every parent or legal guardian transporting his or her child under the age of five (5) years...."

This change in wording exempts grandparents, day care providers, and taxi, bus or ambulance drivers. In addition, most of all handicapped children can ride in car seats.

The universal argument held by proponents was that this legislation is a child passenger protection act and regardless of who is driving the risks to the child are the same. It is important to note that in many states the driver of the vehicle at fault in an accident in which the child is killed may be charged with manslaughter.

- The final issue of major opposition is the question of whether this law is enforceable.

Through our survey, it was determined that no state had opposition by their law enforcement officials. Some of these officials were non-committal initially, but after reviewing the data surrounding this legislation and reviewing Tennessee's "positive enforcement experience", they were supportive and testified to the support before their respective state legislatures. The consensus of these law enforcement officials seemed to center around several points.

1. This is not a law designed specifically to penalize parents, but rather it was an opportunity to educate drivers as to the risks involved in transporting an unrestrained young passenger. In fact, in Tennessee the state police carry child restraints in their vehicles. When a car is stopped and a child is riding unrestrained, the officer installs the seat in that car, places the child in the restraint and "loans" that seat to be returned at the time of the court appearance.

2. Most law enforcement officials expressed a desire to have a "strong" law passed and were disappointed when several states compromised in order to secure passage.
3. All of these officials agreed that through observation differentiating between a restrained child and an unrestrained child was not impossible. A child restraint is as easy to observe as a child standing up in the car or sitting on another passenger's lap.

When the enforcement question surfaces, Tennessee's state and local police ask that opponents look at the statistics:

Prior to the January 1, 1978 effective date, child restraint use in Tennessee was 9.2 percent. At the end of 1978, or one year after the law became effective, the statewide average usage rate was 14.4 percent, double the national rate for child restraint use. By the end of 1979, usage rate in Tennessee was 18.7 percent. It is now estimated that in some areas of the state, usage rate is as high as 29%. The Tennessee Child Passenger Safety program has found a dramatic decrease in major injuries and deaths for young children since the law took effect. There has been a 50% reduction in major injuries and deaths in 1978 and a 75% reduction in 1979. All of the children killed in 1979 were victims of the "lap amendment" loophole in Tennessee's law and since repeal of that amendment, the death and injury rate has decreased even more significantly. This confirms the position by proponents of the legislation that "lap" and "physiological needs" amendments should not be allowed in any child passenger safety law. An automobile accident takes only a fraction of a second to occur and a child should always remain restrained when the car is in motion.

In summary, it must be remembered that automobile accidents are the number one killer andcrippler of children under the age of 5 years. In 1979, 35 children were killed and 4,454 were injured while traveling unrestrained on Florida's roadways. In 1980, the figures increased with 45 children under 5 killed and 4,484 injured in vehicular accidents. Nationally, over the past decade, approximately 10,000 children under 5 have died from injuries sustained while riding in automobiles.

Studies estimate that 35% of unrestrained children are ejected from the motor vehicle in an accident often to land head first on the pavement. Data from the Consumer Product Safety Commission indicate that 85 percent of children less than 5 years of age seen in emergency rooms as a result of vehicle accidents have head, face and spinal cord injuries which can lead to permanent paralysis or epilepsy.

A recent study conducted by Phyllis F. Agran, M.D., MPH of California points out that "although injuries as a result of a crash are more frequently reported and more severe, non-crash events also provide for fatalities and injuries to young children". In her study, Dr. Agran analyzed data on "non-crash events" such as sudden stops, swerves or turns and the movement of the child within the vehicle.
Epidemic contagions come and go and some are gone forever. Immunizations for childhood diseases have been a steady focus of educational programs and, in Florida, legislation has been passed providing for mandatory immunizations before any child enters the school system. Through crash tests conducted by the National Highway Traffic Safety Administration, we know that child restraint devices, when used correctly, can reduce fatalities by 90 percent and injuries by almost 80 percent. These approved restraint devices are available at car dealerships, retail department stores and from community loan programs.

Knowing that automobile accidents are the number one killer and crippler of children under the age of 5 years and that the health and well being of children is the responsibility of adults, alternatives to this current auto accident epidemic should be explored. Possible alternatives are education and legislation. Child restraint educational programs have been conducted in almost every state for years. With the restraint usage rate declining nationally every year, it appears that the success of these programs has been minimal. However, as in the experience of the State of Tennessee, an educational effort combined with a law mandating the usage of restraints, is effective.


Fleming, A. "Children In Crashes". Insurance Institute for Highway Safety, December 1980


Hall, W. L. Warning: In Cars, Children May Be Hazardous to Their Parent's Health: The Role of Restraints in Preventing Collisions. Chapel Hill: Highway Safety Research Center, 1979


Paulson, J. A. "The Case for Mandatory Seat Restraint Laws". Pediatrics

I. SUMMARY:

A. Present Situation:

The use of child passenger restraint systems in any motor vehicle is not required by Federal or Florida law.

B. Effect of Proposed Changes:

This bill requires that each driver of a passenger car, van, or pickup truck, transporting a child under 5 years of age shall provide for the protection of said child by properly using a crash-tested, federally approved child restraint device. Failure of the driver to provide and use a child passenger restraint shall not be considered contributory negligence.

Persons found to be in violation of the bill's provisions are subject to a civil fine not to exceed $15.00. Charges may be dismissed by the clerk of the court if the defendant, prior to his court appearance, produces proof that he has acquired a child restraint device.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

A driver transporting any child younger than 5 years of age in any passenger car, van, or pickup truck will have to possess and use an approved child restraint device. Such a device is available from motor vehicle manufacturers, and may be purchased through retail outlets. The average cost for such child restraint device (in two discount stores in Tallahassee) is $45.63. Additionally, in some areas of the state these devices may be rented (leased) for nominal fees.

B. Government: None.

III. COMMENTS:

With respect to the civil fine of $15.00 imposed by the bill, infractions listed in Chapter 316, F.S., are subject to a schedule of civil penalties contained in s. 318.18, F.S. It is suggested that this bill be amended to conform to that structure. A suggested amendment is attached.

The term "contributory negligence" is antiquated in Florida tort procedures. It is suggested that this term should be
amended to read "shall not constitute negligence". However, since the bill establishes a "duty of care" by stating that every driver . . . shall provide for the protection of said child . . . it is difficult to determine if the non-negligence provision serves any purpose without a further statement of legislative intent.
The Committee on Transportation recommended the following amendment which was moved by Senator... and adopted: and failed:

Amendment

On page 1, line 20-29, strike all of line 20 through and including line 29.

If amendment is text from another bill insert:

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Draft No.</th>
</tr>
</thead>
</table>

and insert:

1. (2) No person charged with violating this section...
2. ...shall be convicted if, prior to or at the time of his court...
3. ...or, hearing appearance, he produces in court or submits to...
4. ...the clerk of the court in which the charge is pending... proof...
5. ...of acquisition of required child restraint... The clerk of...
6. ...the court is authorized to dismiss such cases at any time if...
7. ...proof of acquisition is produced prior to the defendant's...
8. ...scheduled court or hearing appearance...

9. Section 2. Subsection (2) of section 318.18, Florida Statutes, is amended to read:

10. 318.18. Amount of Civil Penalties.--The penalties...
11. ...required for a noncriminal disposition pursuant to s. 318.14(1),...
12. ...(2) and (4) shall be as follows:
13. ...(2) Fifteen dollars for all nonmoving traffic...
14. ...violations and for all violations of s. 320.073(3) and...
15. s. 316.268,
16. ...
17. ...
18. ...[Renumber subsequent section].

---

FOR COMMITTEE USE ONLY

Amendment No., taken up by committee: Adopted Failed

Offered by...

(Amendment No. Adopted Failed Date)
The Committee on Transportation recommended the following amendment which was moved by Senator and adopted: and failed:

TITLE Amendment

On page 1, line 4, strike all of line 4.

If amendment is text from another bill insert:

Bill No. Draft No.

and insert:

1. restraint requirements; amending s. 318.18(2), providing....
2. a penalty; .............................................
3. ........................................................
4. ........................................................
5. ........................................................
6. ........................................................
7. ........................................................
8. ........................................................
9. ........................................................
10. .......................................................
11. .......................................................
12. .......................................................
13. .......................................................
14. .......................................................
15. .......................................................
16. .......................................................
17. .......................................................
18. .......................................................
19. .......................................................

FOR COMMITTEE USE ONLY

Amendment No., taken up by committee: Adopted Failed
Offered by

(Amendment No. Adopted Failed Date)
SUBJECT: "Child Restraint Devices"

BILL NO. AND SPONSOR: CS/CS' s 298 & 101 by Committee on Transportation and Senators Jenne and Jenkins

I. SUMMARY:
   A. Present Situation:

      The use of child passenger restraint systems in any motor vehicle is not required by Federal or Florida law.

   B. Effect of Proposed Changes:

      This bill requires that each parent or legal guardian transporting a child 5 years old or younger in a passenger car, van, or pickup truck shall provide for the protection of said child by use of an approved child restraint device. For children under the age of 4 years, a separate crash tested, federally approved, carrier shall be used. Children 4 through 5 years old shall be protected by either a separate carrier or seat belt. Failure of the parent or legal guardian to provide and use a child passenger restraint shall not be considered contributory negligence.

      Persons found to be in violation of the bill's provisions are subject to a civil fine of $15.00. Charges may be dismissed by the clerk of the court if the defendant, prior to his court appearance, produces proof that he has acquired a child restraint device.

II. ECONOMIC IMPACT AND FISCAL NOTE:
   A. Public:

      A parent or legal guardian transporting a child younger than 6 years of age in any passenger car, van, or pickup truck will have to possess and use an approved child restraint device. Such a device is available from motor vehicle manufacturers, and may be purchased through retail outlets. The average cost for such child restraint device (in two discount stores in Tallahassee) is $45.63. Additionally, in some areas of the state these devices may be rented (leased) for nominal fees.

   B. Government: None.
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

Analyst: Long
Staff Director: Christensen
Subject: Child Restraint Devices

Bill No. And Sponsor:
CS/SB's 298 & 101 by Committee on Transportation and Senators Jenne and Jenkins

III. COMMENTS:

The term "contributory negligence" is antiquated in Florida tort procedures. It is suggested that this term should be amended to read "shall not constitute negligence". However, since the bill establishes a "duty of care" by stating that every driver . . . . shall provide for the protection of said child . . . . it is difficult to determine if the non-negligence provision serves any purpose without a further statement of legislative intent.
JORNAL OF THE SENATE 187

FEBRUARY 18, 1982

INTRODUCTION AND REFERENCE OF BILLS

By Senators Maxwell and Vogt—

SB 1017—A bill to be entitled An act relating to state roads in Brevard County; naming State Road 405 in Brevard County, southeast from State Road 60 to the Indian River, Columbia Boulevard; directing the Department of Transportation to erect appropriate markers; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Maxwell, by two-thirds vote SB 1017 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Maxwell by unanimous consent, SB 1017 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yea—87
Yeas—19

Nays—None

Vote after roll call:

Yea—Hill, Scott

On motion by Senator Maxwell, the rules were waived and SB 1017 was ordered immediately certified to the House.

Senator McKnight presiding.

Special Guests

Senator McKnight presented to the Senate, members of the Little Havana Tourism Authority and members of the Kiwanis Club, Willy Bermello, past president; Leslie Pantin, Jr., president; and Tamie Caneaus, member, who presented a visual program relating to Carnaval Miami, Little Havana USA.

The President presiding

SPECIAL ORDER

Senator Stuart presiding

Consideration of SB 639 was deferred.

By the Committee on Transportation and Senators Jenne and Jenkins—

CS for SB's 298 & 101—A bill to be entitled An act relating to highway safety; creating s. 316.268, Florida Statutes; providing child restraint requirements; amending s. 318.18(2), Florida Statutes; providing a penalty; providing an effective date.

—was read the first time by title and SB's 298 and 101 were laid on the table.

On motion by Senator Jenne, by two-thirds vote CS for SB's 298 and 101 was read the second time by title.

Senator Jenne moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 13-17 and insert: (1) Each parent or legal guardian of a child while transporting his or her child in a passenger car, van, or pickup truck registered in the State of Florida and operated on the roadways, streets, or highways of this state, shall, if the child is 5 years of age or younger, provide for protection of the child by properly

Senator Hair moved the following amendment which was adopted:

Amendment 2—On page 1, line 23, strike “contributory” and insert: Comparative

Senator McClain moved the following amendment which failed:

Amendment 3—On page 2, line 8, insert a new Section 2: No child five years of age or younger shall be allowed to ride in an open bed of a truck.

(Renumber subsequent sections.)

Senator Frank moved the following amendments which were adopted:

Amendment 4—On page 2, between lines 7 and 8, insert: (3) The Division of Motor Vehicles shall provide notice of the requirement for child restraint devices, which notice shall accompany the delivery of a motor vehicle license tag

Amendment 5—On page 2, line 16, strike “October 1, 1983” and insert: July 1, 1983

Amendment 6—In title on page 1, line 5, after the first semicolon (;) insert: providing for notice

On motion by Senator Jenne, by two-thirds vote CS for SB's 298 and 101 as amended was read the third time by title, passed, ordered engrossed and then certified to the House.

The vote on passage was:

Yea—19
Yeas—12

Nays—None

Vote after roll call:

Yea—Carlucci, Hill

Nay—Tobiassen

Special Guest

Senator Stuart introduced to the Senate, Prime Minister Lyndon O. Findling of the Commonwealth of the Bahamas.

On motion by Senator Dunn, the following address of the Prime Minister was published in the Journal:

I welcome the opportunity to be here today and to be afforded the honour to address this august body of the Legislature of the great State of Florida, the state which is my country's closest neighbour among all the United States of America. The ties between the State of Florida and the Commonwealth of The Bahamas have always been close and there are many factors which unite our destinies.

Accompanying Columbus on his second Atlantic crossing in 1493 was a budding young tycoon and politician who later became a Governor of Puerto Rico. He even did some expeditions on his own. In 1613, Juan Ponce de Leon obtained royal authorization to discover and settle Bimini, a beautiful island believed to contain a miraculous fountain whose waters possessed wonderful curative powers.

A few days after Easter in that same year, Ponce de Leon sighted land and explored the Florida coast but he then be-
DATE: April 19, 1982

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST STAFF DIRECTOR FINAL
1. Long Christensen

UPDATED BY
1. Tr. FAY/CS

TRANSPORTATION

REFERENCE ACTION
2. ________________________________
3. ________________________________

SUBJECT: Child restraint devices

BILL NO. AND SPONSOR: CS/SB 298 and 101 by Committee on Transportation and Senators Jenne and Jenkins

I. SUMMARY:
A. Present Situation:

The use of child passenger restraint systems in any motor vehicle is not required by Federal or Florida law.

B. Effect of Proposed Changes:

This bill requires that each parent or legal guardian transporting a child 5 years old or younger in a passenger car, van, or pickup truck shall provide for the protection of said child by use of an approved child restraint device. For children under the age of 4 years, a separate crash tested, federally approved, carrier shall be used. Children 4 through 5 years old shall be protected by either a separate carrier or seat belt. Failure of the parent or legal guardian to provide and use a child passenger restraint shall not be considered comparative negligence.

All state, county and local law enforcement agencies, and safety councils shall conduct a continuing safety and public awareness campaign as to the magnitude of the problem of carrying unrestrained children in motor vehicles. The DHSMV shall inform persons of the child restraint requirements through notices included with the delivery of new and renewal license tags.

Persons found to be in violation of the bill's provisions are subject to a civil fine of $15.00. Charges may be dismissed by the clerk of the court if the defendant, prior to his court appearance, produces proof that he has acquired a child restraint device.

II. ECONOMIC IMPACT AND FISCAL NOTE:
A. Public:

A parent or legal guardian transporting a child younger than 5 years of age in any passenger car, van, or pickup truck will have to possess and use an approved child restraint device. Such a device is available from motor vehicle manufacturers, and may be purchased through retail outlets. The average cost for such child restraint device (in two discount stores in Tallahassee) is $45.63. Additionally, in some areas of the state these devices may be rented (leased) for nominal fees.

B. Government: None.

III. COMMENTS: None.
SUMMARY:

Present Situation: Florida has no statutory requirements concerning child passenger restraint systems for motor vehicles.

Effect of Proposed Changes: Requires every driver transporting a child four years old or younger in a Florida registered car, van, or pickup truck to protect the child by properly using a federally approved child restraint device. Violation of this requirement will be considered a noncriminal traffic infraction. The case shall be dismissed if proof of acquisition of a child restraint device is produced prior to or at the time of the defendant's court or hearing appearance.

FISCAL IMPACT:

Private: The cost of a new child passenger restraint seat is from $30 to $60. A seat may be rented for $10 to $15 where child restraint loaner programs exist.

State & Local: No additional funds will be needed to enforce this law.

COMMENTS:

Since 1978, nine states (Kansas, Massachusetts, Michigan, New York, North Carolina, Minnesota, Rhode Island, Tennessee and West Virginia) have passed legislation that require young children to ride in an approved child restraint device.
Journals
of the
Florida
House of Representatives

Sessions commencing on
January 18, 1982 Regular
March 26, 1982 “C”
March 29, 1982 “D”
April 7, 1982 “E”
April 7, 1982 “F”
May 21, 1982 “G”
June 21, 1982 “H”

[Special Sessions are lettered from Organization Session for two-year term of House of Representatives. “A” was held in November, 1980, and “B” was held in June, 1981.]
Rep. Hollingsworth moved the adoption of the amendment, which was adopted.

The Committee on Corrections, Probation & Parole offered the following title amendment:

Amendment 3—On page 1, lines 3–7, strike all of said lines and insert: prisoners; amending s. 951.23(2), Florida Statutes, directing the Department of Corrections to prescribe standards which are no greater than minimum Federal constitutional standards and requirements; providing an effective date.

Rep. Hollingsworth moved the adoption of the amendment, which was adopted.

Under Rule 8.19, the bill was referred to the Engrossing Clerk.

CS/HB 463 by the Committee on Agriculture & General Legislation and Representatives G. Hodges and Nuckolls was taken up. On motion by Rep. G. Hodges, the rules were waived and—

CS/SB 547—A bill to be entitled An act relating to farming; amending s. 823.14, Florida Statutes; creating the “Florida Right to Farm Act”; providing legislative findings and purpose; providing definitions; providing that a farm operation shall not be or become a public or private nuisance under described circumstances; providing for the effect of the act on certain existing farm operations; providing an effective date.

—a companion measure, was substituted therefor and read the second time by title. Under Rule 8.19, the bill was referred to the Engrossing Clerk.

CS/HB 154 by the Committee on Transportation and Representatives Lippman, Evans-Jones, D. L. Jones, Gordon, Spast and Ewing was taken up. On motions by Rep. Bell, the rules were waived and—

CS/SB’s 298 & 101—A bill to be entitled An act relating to highway safety; creating s. 316.20(2), Florida Statutes; providing child restraint requirements; amending s. 316.18(2), Florida Statutes; providing for notice; providing a penalty; providing an effective date.

—a companion measure, was substituted therefor and read the second time by title.

Representative Burnsed offered the following amendment:

Amendment 1—On page 1, line 16, strike “registered in the State of Florida and”

Rep. Burnsed moved the adoption of the amendment. Without objection, the amendment was withdrawn.

Representative Sadowski offered the following amendment:

Amendment 2—On page 1, line 8, strike the enacting clause

Rep. Sadowski moved the adoption of the amendment.

REPRESENTATIVES

THE SPEAKER IN THE CHAIR

The question recurs on the adoption of Amendment 2, which failed of adoption. The vote was:

Yeas—50

Bankhead Gallagher Martin Ready
Batchelor Girardeau Martinez Robinson
Boles Hall, L. J. Meek Sadowski
Branley Hattaway Melby Sample
Burnsed Hazouri Messersmith Shackelford
Burns Hodges, G. Mills Smith, C. R.
Carlton Hodges, W. R. Mitchell Thompson
Casas Hollingsworth Morgan Tygart
Cogroves Johnson, R. L. Ogden Upchurch
Crady Johnson, R. C. O’Malley Ward
Davis Kaiser Pajacic Woodburn
Foster Lewis Patterson
Fox Mann Price

Votes after roll call:

Year—Fox
### Representative Fox offered the following amendment:

Amendment 3—On page 2, line 7, after the period insert:

> The state shall reimburse out of the General Revenue Fund each county for any expenses incurred by the county arising out of the enforcement of this act in requiring child restraint devices.

Rep. Fox moved the adoption of the amendment.

Rep. A. E. Johnson moved that the amendment be laid on the table, which was not agreed to. The vote was:

### Yeas—48

<table>
<thead>
<tr>
<th>The Chair</th>
<th>Ewing</th>
<th>Lehman</th>
<th>Pajic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bell</td>
<td>Gallagher</td>
<td>Lehtinen</td>
<td>Rosen</td>
</tr>
<tr>
<td>Brown</td>
<td>Drury</td>
<td>Liberty</td>
<td>Silver</td>
</tr>
<tr>
<td>Clemmons</td>
<td>Cosgrove</td>
<td>Grant</td>
<td>Martinez</td>
</tr>
<tr>
<td>Coach</td>
<td>Crawford</td>
<td>Hall, C. A.</td>
<td>McEwan</td>
</tr>
<tr>
<td>Crotty</td>
<td>Crotty</td>
<td>Hawkins, M. E.</td>
<td>Watt</td>
</tr>
<tr>
<td>Deratany</td>
<td>Deratany</td>
<td>Hieber</td>
<td>McPherson, S.</td>
</tr>
<tr>
<td>Drake</td>
<td>Drake</td>
<td>Jones, C. F.</td>
<td>Webster</td>
</tr>
<tr>
<td>Dunbar</td>
<td>Dunbar</td>
<td>Jones, D. L.</td>
<td>Myers</td>
</tr>
<tr>
<td>Dyer</td>
<td>Dyer</td>
<td>Kelly</td>
<td>Nergard</td>
</tr>
<tr>
<td>Easy</td>
<td>Easy</td>
<td>Kernsah</td>
<td>Nuckolls</td>
</tr>
<tr>
<td>Evans-Jones</td>
<td>Evans-Jones</td>
<td>Rimmel</td>
<td>Patchett</td>
</tr>
</tbody>
</table>

### Nays—60

<table>
<thead>
<tr>
<th>Allen</th>
<th>Fox</th>
<th>Kiser</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bankhead</td>
<td>Bankhead</td>
<td>Girardeau</td>
<td>Lewis</td>
</tr>
<tr>
<td>Batchelor</td>
<td>Borch</td>
<td>Hall, L. J.</td>
<td>Meek</td>
</tr>
<tr>
<td>Boles</td>
<td>Boles</td>
<td>Hattaway</td>
<td>Mefert</td>
</tr>
<tr>
<td>Brandley</td>
<td>Brandley</td>
<td>Hawkins, M. E.</td>
<td>Myers</td>
</tr>
<tr>
<td>Breslin</td>
<td>Breslin</td>
<td>Hazouri</td>
<td>Messersmith</td>
</tr>
<tr>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Hodges, G.</td>
<td>Mitchell</td>
</tr>
<tr>
<td>Burrall</td>
<td>Burrall</td>
<td>Hodges, W. R.</td>
<td>Morgan</td>
</tr>
<tr>
<td>Bush</td>
<td>Bush</td>
<td>Hollingsworth</td>
<td>Johnson, B. L.</td>
</tr>
<tr>
<td>Carlton</td>
<td>Carlson</td>
<td>Johnson, R. C.</td>
<td>Johnson, R. C.</td>
</tr>
<tr>
<td>Coalton</td>
<td>Coalton</td>
<td>Fox</td>
<td>Hazouri</td>
</tr>
<tr>
<td>Crady</td>
<td>Crady</td>
<td>Hall, C. A.</td>
<td>Johnson, R. C.</td>
</tr>
<tr>
<td>Davis</td>
<td>Davis</td>
<td>Dyer</td>
<td>Hawkins, M. E.</td>
</tr>
<tr>
<td>Dunbar</td>
<td>Dunbar</td>
<td>Hall, L. J.</td>
<td>Jones, C. F.</td>
</tr>
<tr>
<td>Dyer</td>
<td>Dyer</td>
<td>Hattaway</td>
<td>Kerew</td>
</tr>
<tr>
<td>Easy</td>
<td>Easy</td>
<td>Kernsah</td>
<td>Nuckolls</td>
</tr>
<tr>
<td>Evans-Jones</td>
<td>Evans-Jones</td>
<td>Rimmel</td>
<td>Plummer, J.</td>
</tr>
</tbody>
</table>

### Votes after roll call:

#### Yeas to Nays—Gallagher

Rep. G. Hodges moved the previous question on the amendment and the bill, which was agreed to. The question recurred on the adoption of Amendment 3, which was adopted. The vote was:

### Yeas—60

<table>
<thead>
<tr>
<th>Allen</th>
<th>Bankhead</th>
<th>Cosgrove</th>
<th>Haller</th>
<th>Johnson, B. L.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bankhead</td>
<td>Crotty</td>
<td>Drake</td>
<td>Dyer</td>
<td>Hazouri</td>
</tr>
<tr>
<td>Batchelor</td>
<td>Deratany</td>
<td>Dunbar</td>
<td>Dyer</td>
<td>Hawkins, M. E.</td>
</tr>
<tr>
<td>Boles</td>
<td>Drake</td>
<td>Dunbar</td>
<td>Dyer</td>
<td>Hawkins, M. E.</td>
</tr>
<tr>
<td>Brandley</td>
<td>Easy</td>
<td>Easy</td>
<td>Kernsah</td>
<td>Nuckolls</td>
</tr>
<tr>
<td>Breslin</td>
<td>Evans-Jones</td>
<td>Evans-Jones</td>
<td>Girardeau</td>
<td>Hollingsworth</td>
</tr>
<tr>
<td>Burnsed</td>
<td>Gibson</td>
<td>Hodgson</td>
<td>Hodgson, G.</td>
<td>Hodgson, W. R.</td>
</tr>
<tr>
<td>Burrall</td>
<td>Bush</td>
<td>Bush</td>
<td>Bush</td>
<td>Carlson</td>
</tr>
<tr>
<td>Bush</td>
<td>Bush</td>
<td>Bush</td>
<td>Bush</td>
<td>Country</td>
</tr>
<tr>
<td>Carlton</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
</tr>
</tbody>
</table>

### Nays—59

<table>
<thead>
<tr>
<th>The Chair</th>
<th>Allen</th>
<th>Bankhead</th>
<th>Boles</th>
<th>Brandley</th>
<th>Breslin</th>
<th>Burnsed</th>
<th>Burrall</th>
<th>Bush</th>
<th>Carlson</th>
<th>Carlson</th>
<th>Carlson</th>
<th>Carlson</th>
<th>Carlson</th>
<th>Carlson</th>
<th>Carlson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
<td>Boles</td>
</tr>
<tr>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
<td>Brandley</td>
</tr>
<tr>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
<td>Breslin</td>
</tr>
<tr>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
<td>Burnsed</td>
</tr>
<tr>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
<td>Burrall</td>
</tr>
<tr>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
<td>Carlson</td>
</tr>
</tbody>
</table>

### Motions Relating to Committee References

On point of order by Rep. Morgan, Chairman, that CS/SB 152 and HB's 351 and 750 affect appropriations, the bills were withdrawn from the Committee on Appropriations and referred to the Committee on Natural Resources.

### Record Votes

On motion by Rep. Morgan, Chairman, that CS/SB 152 and HB's 351 and 750 affect appropriations, the bills were withdrawn from the Committee on Appropriations and referred to the Committee on Natural Resources.

### Introduction and Reference

First Reading by Publication

By the Committee on Agriculture & General Legislation—

HB 1122—A bill to be entitled An act relating to fertilizer; amending s. 576.051(7), Florida Statutes, requiring the Department of Agriculture and Consumer Services, in the adoption of rules governing the collection and analysis of fertilizer, to consider, rather than use, the recommendations of certain organizations; providing an effective date.
Representative Spaet offered the following amendment:

Amendment 6—On page 14, lines 17 and 18, strike "until rules are adopted by the department, the examination fee shall be $75." and insert: until rules providing otherwise are adopted by the department, the examination fee for each category shall be $75.

Rep. Spaet moved the adoption of the amendment, which was adopted.

Representative Spaet offered the following amendment:

Amendment 7—On page 15, line 22, strike "applications," and insert: applicants for examination, written or practical

Rep. Spaet moved the adoption of the amendment, which was adopted.

Representative Spaet offered the following amendment:

Amendment 8—On page 22, line 2, after "transfer," insert: or if requested by the customer,

Rep. Spaet moved the adoption of the amendment, which was adopted.

Representative Spaet offered the following amendment:

Amendment 9—On page 24, lines 14-16, strike "The licensee's name, address, and date of treatment and the wood-destroying organism treated for shall be on the notice." and insert: The licensee's name and address, the date of treatment, the name of the pesticide used, and the wood-destroying organism treated for shall be on the notice.

Rep. Spaet moved the adoption of the amendment, which was adopted.

Representatives Lewis and Williams offered the following amendment:

Amendment 10—On page 23, line 17, after the period insert: applications,

Representative Lewis moved the adoption of the amendment, which was adopted.

On motion by Rep. Spaet, the rules were waived and CS/SB 183, as amended, was read the third time by title. On passage, the vote was:

Yeas—107

The Chair—Foster
Allen—Fox
Bankhead—Friedman
Batchelor—Gallagher
Bell—Gardner
Benes—Girardeau
Brantley—Gordon
Brodie—Grant
Brown—Hagler
Burnsed—McPherson, S.
Burnsed—McPherson, T.
Burrell—Hall, L. J.
Casas—Hattaway
Casgrove—Hawkins, M. E.
Crady—Hawkins, L. R.
Crady—Hodges, W. R.
Crawford—Johnson, A. E.
Crawford—Johnson, B. L.
Crawford—Johnson, C.
Crawford—Johnson, R. C.
Danner—Jones, C. F.
Dargie—Jones, D. L.
Drage—Kelly
Evans-Jones—Kimmel
W. Jones—Kiser
Ewing—Kutun
Foster—Lehman
Foster—Lewis
Foster—Lewins
Fox—Reynolds
Fox—Reynolds
Friedman—Richmond
Friedman—Robinson
Gallagher—Rosen
Girardeau—Sample
Gordon—Sheldon
Gordon—Silver
Hagler—Smith, C. R.
Hawkins—Spaet
Hawkins, M. E.—Steel
Hawson, L. R.—Thomas
Hawson, M. E.—Thompson
Hawson—Upchurch
Hieber—Upchurch
Hodes—Watt
Hodes—Watt
Hodes—Watt
Hodes—Webster
Hodes—Webster
Hodes—Webster
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—Wetherell
Hodges—W...
The Committee on Appropriations offered the following amendment:

Amendment 4 (applies to Amendment 3)—On page 2, line 7, strike: (3) The state shall reimburse out of the General Revenue Fund each county for any expenses incurred by the county arising out of the enforcement of this act in requiring child restraint devices.

Rep. Bell moved the adoption of the amendment, which was adopted.

On motion by Rep. Bell, the rules were waived and CS/SB's 286 & 101 was read the third time by title. On passage, the vote was:

<table>
<thead>
<tr>
<th>Yeas—98</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Chair</td>
</tr>
<tr>
<td>Allen</td>
</tr>
<tr>
<td>Batchelor</td>
</tr>
<tr>
<td>Bell</td>
</tr>
<tr>
<td>Bole</td>
</tr>
<tr>
<td>Brantley</td>
</tr>
<tr>
<td>Brodie</td>
</tr>
<tr>
<td>Brown</td>
</tr>
<tr>
<td>Burnsed</td>
</tr>
<tr>
<td>Burrall</td>
</tr>
<tr>
<td>Bush</td>
</tr>
<tr>
<td>Carlton</td>
</tr>
<tr>
<td>Carpenter</td>
</tr>
<tr>
<td>Casas</td>
</tr>
<tr>
<td>Clements</td>
</tr>
<tr>
<td>Cosgrove</td>
</tr>
<tr>
<td>Cox</td>
</tr>
<tr>
<td>Crady</td>
</tr>
<tr>
<td>Crawford</td>
</tr>
<tr>
<td>Crotty</td>
</tr>
<tr>
<td>Danson</td>
</tr>
<tr>
<td>Davis</td>
</tr>
<tr>
<td>Deratany</td>
</tr>
<tr>
<td>Drage</td>
</tr>
<tr>
<td>Dunbar</td>
</tr>
<tr>
<td>Hawkins, M. E.</td>
</tr>
<tr>
<td>Messer Smith</td>
</tr>
</tbody>
</table>

Votes after roll call:

<table>
<thead>
<tr>
<th>Yeas—Mills, Lehtinen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nays—Thompson</td>
</tr>
<tr>
<td>Yeas—to Nays</td>
</tr>
<tr>
<td>Nays</td>
</tr>
<tr>
<td>Yeas</td>
</tr>
<tr>
<td>Nays—Johnson, B. L.</td>
</tr>
<tr>
<td>Yeas</td>
</tr>
<tr>
<td>Nays</td>
</tr>
<tr>
<td>Yeas</td>
</tr>
<tr>
<td>Nays—44</td>
</tr>
<tr>
<td>The Chair</td>
</tr>
<tr>
<td>Bankhead</td>
</tr>
<tr>
<td>Hattariek</td>
</tr>
<tr>
<td>Brantley</td>
</tr>
<tr>
<td>Bush</td>
</tr>
<tr>
<td>Casas</td>
</tr>
<tr>
<td>Crady</td>
</tr>
<tr>
<td>Foster</td>
</tr>
<tr>
<td>Gallagher</td>
</tr>
</tbody>
</table>

Votes after roll call:

<table>
<thead>
<tr>
<th>Yeas—Sheldon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nays—Kiser, R. C. Johnson, Hollingsworth, Morgan</td>
</tr>
<tr>
<td>Yeas—Johnson, A. E.</td>
</tr>
<tr>
<td>Nays</td>
</tr>
<tr>
<td>Yeas—Johnson, B. L.</td>
</tr>
<tr>
<td>Nays—Kiser</td>
</tr>
</tbody>
</table>

The bill passed and was immediately certified to the Senate.

Under Rule 7.11, CS/HB 154, a similar or companion measure, was laid on the table.

SB 573—A bill to be entitled An act relating to building construction; amending s. 553.901, Florida Statutes; changing from annual to biennial the Department of Veteran and Community Affairs' determination of the most cost-effective energy-saving equipment and techniques for thermal efficiency and providing for a public review of proposed changes to the Florida Thermal Efficiency Code; providing an effective date.

—was taken up, having been read the second time on March 16, now pending on motion by Rep. Batchelor to adopt the following amendment:

Amendment 1—On page 2, line 2 after the period insert:

Amendment 2—On page 2, line 2 after the period insert:

Section 3. Section 553.911, Florida Statutes, is created to read:

553.911 Energy performance index disclosure for residential buildings.—The energy performance index resulting from compliance with the provisions of this part, for new residential buildings shall be prominently displayed on the completed buildings until time of sale. In conjunction with the normal responsibilities and duties of this part, the local building inspector shall issue an energy performance index display card to be placed on the building permit by the local building inspector at the time of final inspection by the building department. The display card shall be uniform statewide and developed by the Department of Veteran and Community Affairs. At a minimum, the display card shall list the energy performance index resulting from compliance with the code, the maximum EPI allowed for the specific house, a location for the builder and local enforcement agency to be listed and to sign, and general information about the energy performance index and the code. When compliance with the Florida Model Energy Efficiency Code for Building Construction is accomplished under a section of the code that does not require the calculation of an energy performance index, the builder shall calculate the EPI according to procedures provided for in the code or state that the EPI is unknown and might be higher than the maximum allowable EPI for a house of its size. (renumber subsequent section.)

The question recurred on the adoption of the amendment, which was adopted.

Representative Batchelor offered the following amendment:

Amendment 2—On page 2, line 2 after the period, insert:

Section 2. Subsections (6) through (18) of section 420.503, Florida Statutes, are renumbered as subsections (8) through

| Yeas—Johnson, A. E. | Nuckolls | Woodruff |
|---|
| Nays | Brantley, Hawkins, L. J. | Mitchell, Thompson |
| Yeas—Johnson, B. L. | Ogden | Woodburn |
| Nays—Kiser | R. C. | Johnson, Hollingsworth, Morgan |

The bill passed and was immediately certified to the Senate.
DATE: January 4, 1982  BILL NUMBER: CS/HR 154
SPONSOR: Reps. Lippman, Evans-Jones, D.L. Jones, and Gordon
RELATING TO: Child Passenger Restraint
OTHER COMM REFERENCES: None  SIMILAR OR COMP. BILLS: CS/SB's 298 & 101 (Similar)
SUMMARY PREPARED BY: Gary L. Weber

SUMMARY:

Present Situation: Florida has no statutory requirements concerning child passenger restraint systems for motor vehicles.

Effect of Proposed Changes: Requires every driver transporting a child four years old or younger in a Florida registered car, van, or pickup truck to protect the child by properly using a federally approved child restraint device. Violation of this requirement will be considered a noncriminal traffic infraction. The case shall be dismissed if proof of acquisition of a child restraint device is produced prior to or at the time of the defendant's court or hearing appearance.

FISCAL IMPACT:

Private: The cost of a new child passenger restraint seat is from $30 to $60. A seat may be rented for $10 to $15 where child restraint loaner programs exist.

State & Local: No additional funds will be needed to enforce this law.

COMMENTS:

Since 1978, nine states (Kansas, Massachusetts, Michigan, New York, North Carolina, Minnesota, Rhode Island, Tennessee and West Virginia) have passed legislation that require young children to ride in an approved child restraint device.

AMENDMENTS:

Amendments adopted by Transportation Subcommittee I raised the age of the child from four years to five years and added the provision that children through three years must be restrained by a separate carrier while children four through five years may be restrained by a separate carrier or a seat belt. A statement of legislative intent was added to declare that all state, county, and local law enforcement agencies, and safety councils conduct safety and public awareness campaigns addressing the problems of child death and injury resulting from unrestrained children in motor vehicles.
Present Situation: Florida has no statutory requirements concerning child passenger restraint systems for motor vehicles.

Effect of Proposed Changes: Requires every parent or legal guardian transporting a child five years old or younger in a Florida registered car, van, or pickup truck to protect the child by properly using a federally approved child restraint device. Children through three years must be restrained by a separate carrier while children four through five years may be restrained by a separate carrier or a seat belt. A person charged with violation of this requirement is subject to a civil penalty of $15; however, the case shall be dismissed if proof of acquisition of a child restraint device is produced prior to or at the time of the defendant's court or hearing appearance.

It is legislative intent that all state, county, and local law enforcement agencies, and safety councils conduct safety and public awareness campaigns addressing the problems of child death and injury resulting from unrestrained children in motor vehicles.

FISCAL IMPACT:

Private: The cost of a new child passenger restraint seat is from $30 to $60. A seat may be rented for $10 to $15 where child restraint loaner programs exist.

State & Local: No additional funds will be needed to enforce this law.

COMMENTS:

Since 1978, nine states (Kansas, Massachusetts, Michigan, New York, North Carolina, Minnesota, Rhode Island, Tennessee and West Virginia) have passed legislation that require young children to ride in an approved child restraint device.
On September 7, 1983, the National Transportation Safety Board completed a safety study of child motor vehicle passenger protection. 1/ For the purpose of the study, the Safety Board conducted 3 regional public hearings and investigated 53 accidents involving infants and small children, restrained and unrestrained, in 19 States. The study highlighted the dangers to unrestrained children in accidents and noncrash incidents, such as sudden stops, and underscored the lifesaving and injury-prevention potential of child safety seats. As a result of the study, the Safety Board concluded that misuse of child safety seats is a significant problem which requires considerably increased emphasis. The study identified several provisions in child passenger protection laws which operate to exclude many infants and small children from the protection of the laws and found that virtually none of the laws is designed to foster the transition of children from safety seat use to safety belt use when child safety seats are outgrown.

The Safety Board investigated the use and crash performance of 34 child safety seats in 32 accidents, including seats of 16 different designs made by 7 different manufacturers. The investigations showed clearly, and in some cases, dramatically, that child safety seats can save lives and prevent or minimize injury to infants and small children in motor vehicle accidents. In 24 accidents investigated, 25 child safety seats provided sufficient protection to prevent or minimize injuries to infants and small children. Six of the safety seats were being used correctly at the time of the accident, including four which demonstrated excellent performance in moderate to severe crashes and two which were involved in noncrash incidents. In 18 accidents, 19 safety seats which were misused still provided sufficient protection to prevent or minimize injury to 19 children—including 9 accidents in which one or more other passengers in the same vehicle were killed or seriously injured. However, the remaining nine safety seats that were misused did not provide sufficient protection.

1/ For more detailed information, see Safety Study—"Child Passenger Protection Against Death, Disability, and Disfigurement in Motor Vehicle Accidents" (NTSB/SS-83/01).
Although the accidents investigated were not selected to provide a statistically representative sample, the misuse involved in the accidents generally is consistent with the extensive incidence of misuse identified by Physicians for Automotive Safety in observational surveys of child safety seats in normal everyday use. The widespread incidence of safety seat misuse warrants urgent attention because, as more child passenger protection laws go into effect and safety seat use increases, the number of safety seats misused can also be expected to increase. Fortunately, safety seats are "forgiving" in the sense that, in many accidents, a safety seat will still provide protection against death or injury under some misuse conditions and, in some cases, will provide partial protection although some injury may occur. However, unless effective ways are found to combat the misuse problem, accidents involving needless fatalities and injuries to children riding in safety seats that are misused can be expected to increase.

To combat and reduce the misuse problem, improvements are needed in several areas, including the public education and the safety seat loan components of child passenger safety programs. These programs typically include information on how to use safety seats properly. Nonetheless, in some accidents involving misuse, the user failed to follow the manufacturer's instructions even after exposure to public education on the subject. The Safety Board believes that there is a need to substantially increase emphasis on the misuse problem in public education programs and to include more detailed and specific information about how various kinds of usage errors can degrade safety seat performance in crashes.

On December 7, 1982, based on the preliminary results of its initial investigations, the Safety Board issued Safety Recommendations H-82-59 and -60 to the Governors or Governors-elect of 31 States and the Mayor of the District of Columbia. Safety Recommendation H-82-59 urged the adoption of child passenger protection laws requiring the proper use of child safety seats and Safety Recommendation H-82-60 urged the adoption of comprehensive, statewide child passenger safety programs. When the recommendations were issued, 19 States had passed child passenger protection laws requiring safety seat use. In the next 7 months, 22 more laws were enacted, bringing the nationwide total as of July 1, 1983, to 41 child passenger protection laws enacted by 40 States and the District of Columbia.2/ Twenty-seven laws were in effect as of July 1, 1983, and the other 14 laws were scheduled to take effect on various dates between then and July 1, 1984. The Safety Board is pleased by the prompt, responsive action taken by the Legislatures and Governors of 22 of the 32 jurisdictions to which the recommendations were addressed.

Based on the final results of the child passenger protection study, the Safety Board has identified a need for further improvements to reduce child passenger deaths and injuries. Currently, the 41 child passenger protection laws that have been enacted vary considerably in their provisions. However, all of the laws contain provisions which exclude many children from the protection of the laws. For example, in most States the responsibility for compliance with the law is limited to a child's parent or legal guardian, or to State residents, or the law is applicable only to motor vehicles registered in the State. In Georgia, Michigan, North Carolina, South Carolina, and Tennessee, a child is not required to be protected when being nursed in a moving vehicle, and some of these exemptions extend to when an adult is attending to a child's "personal needs." Furthermore, the laws of Arizona and New Mexico do not permit a law enforcement officer to stop a vehicle solely for the purpose of enforcing the child passenger protection requirements.

2/ The Governor of Pennsylvania signed a child passenger protection law on November 1, 1983, bringing the total to 42 laws.
Emphasis on the need for special protection for infants and small children may have led to an incorrect perception that safety belts do more harm than good to children in crashes. The medical evidence that is available and limited data on crash injuries to safety-belted children indicate that safety belts prevent ejection and prevent or reduce impact injuries to children from contact with interior vehicle structures. Although some safety belt-induced injuries can occur (and the risk of these appears to be significantly greater for infants), the risk is less than the risk of transporting children unrestrained. Parents and others transporting infants and small children need to be encouraged to at least use safety belts to protect child passengers who otherwise would be transported unrestrained. Safety belt options in laws provide a means of extending child passenger protection requirements to children who are not covered by existing laws as well as to children who cannot use conventional safety seats because of their size or weight.

The intent of child passenger protection laws is positive, rather than punitive. As one witness testified in the public hearings, child passenger protection laws are "education with teeth." Their purpose is to encourage the safe transportation of children, and especially to encourage families to obtain and use child safety seats to protect infants and small children properly. Consequently, most of the laws provide that the fine specified for violations either must or may be waived upon a showing that a child safety seat has been obtained. While the existence of a child passenger protection law in itself serves an educational function, the law must be enforced to be fully effective.

Proper child passenger protection for older children also remains a problem. Motor vehicle accidents are the leading cause of death for children at all ages after the early weeks of life. In 1982 alone, nearly 3,500 children from 5 years old through 17 years old were killed in traffic accidents in the United States. In passenger cars and trucks only, during the last 5 years, nearly 18,500 child passengers from 5 years old through 17 years old were killed in traffic accidents.

Therefore, as a result of its Safety Study of Child Passenger Protection Against Death, Disability, and Disfigurement in Motor Vehicle Accidents, the National Transportation Safety Board recommends that the Governor and legislative leaders of the State of Florida:

Include, as part of a statewide child passenger safety program, public information and education activities specifically aimed at combating misuse of child safety seats. (Class II, Priority Action) (H-83-51)

The National Transportation Safety Board, which has requested that all States and territories work to overcome misuse of child seats, is an independent Federal agency with the statutory responsibility "...to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (P.L. 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendations. Therefore, we would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and McADAMS, BURSLEY, and ENGEN, Members, concurred in this recommendation.
OFFICE OF THE SENATE PRESIDENT

OFFICE MEMORANDUM

TO: John Christensen, Transportation

FROM: Howard Walton

DATE: Dec. 5, 1983

SUBJECT: National Transportation Safety Board, Safety Recommendations

ACTION:

___ Note & Return

___ Note & See Me

___ Prepare Suggested Response

XXX For Your Information/Files

___ Circulate to Staff

COMMENTS: ________________

Reply Date: _____________ By: ____________________________
MINUTES
January 12, 1982

SUBCOMMITTEE I
Committee on Transportation

Subcommittee I, House Committee on Transportation, met at 4:00 p.m., on January 12, 1982 in Room 413 Capitol.

Reps. Jim Foster, Spud Clements, Everett Kelly and Scott McPherson were present.

Reps. Tony Fontana, Jack Hagler, Bob Hattaway and Wayne Hollingsworth were excused. Rep. Jason Steele was absent.

Mr. Bob Romig, Committee Staff, gave a brief review of the Current Driver Education Program and introduced Major C. W. Keith, Department of Highway Safety & Motor Vehicles, and Dr. Joseph A. Klock who further discussed the program. Rep. Foster asked the committee staff to continue to study different aspects of the program and report to the committee at a later meeting.

Due to a lack of a quorum, no action was taken on the following bills:

HB 61 - Evans-Jones - Child Passenger Restraint Systems
HB 154 - Lippman, etc. - Child Passenger Restraint Systems

There being no further business, the meeting adjourned.

Linda O. Reeves, Secretary
MINUTES
January 20, 1982

SUBCOMMITTEE I
Committee on Transportation

Subcommittee I, House Committee on Transportation, met at
1:00 p.m., on January 20, 1982 in Room 317 House Office Building.
All members were present.

The following action was taken:

HB 154 - Lippman, etc. - Child Passenger Restraint Systems
(Favorable, 4 amendments)

There being no further business, the meeting adjourned
at 2:15 p.m.

Linda O. Reeves, Secretary
The Committee on Transportation offered the following amendment:

<table>
<thead>
<tr>
<th>Amendment</th>
<th>On page</th>
<th>line</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STRIKE: 4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and INSERT: 5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Committee on Transportation offered the following amendment:

Amendment On page 1 line 17

2 after the period "$" 

3 INSERT: For children through three years, such restraint device must be a separate carrier. For children four through five years, a separate carrier or seat belt may be used.
The Committee on Transportation offered the following amendment:

STRIKE: A person found to be in violation of this section shall be
subject to a civil fine not to exceed $15.

AND INSERT: Violation of this section is a noncriminal traffic
infraction as defined in s. 318.13(3), with a penalty as provided
in s. 318.18(2).
Amendment

The Committee on Transportation offered the following amendment:

Amendment

On page 1 line 21

2 after the period "." 

3 INSERT: It is the legislative intent that all state, county, and 

4 local law enforcement agencies, and safety councils, in 

5 recognition of the problems with child death and injury 

6 from unrestrained occupancy in motor vehicles conduct a 

7 continuing safety and public awareness campaign as to the 

8 magnitude of the problem.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24
SUBCOMMITTEE REPORT

File with Parent Committee.

To Chairman, Committee on Transportation:

Subcommittee on:

Date of meeting: 1-12-82

Time: 4 PM

Place: 4/3 Capitol

FINAL ACTION: FAVORABLE

Bill No. HB 154

VOTE:

<table>
<thead>
<tr>
<th>YEA</th>
<th>MEMBER NAME</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rep. Clements</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rep. Fontana</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rep. Hagler</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rep. Hattaway</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rep. Hollingsworth</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rep. Kelly</td>
<td></td>
</tr>
</tbody>
</table>

Total Yea __ Total Nays __

NOTE: Please indicate by an "X" any State employee appearing at the request of Subcommittee Chairman.

Submitted by Parent Committee:Received by Parent Committee:

Date ____________

H-74(1976)
OBJECT REPORT

File with Parent Committee

To Chairman, Committee on Transportation:

Subcommittee on ________________

Date of meeting 1-28-82

Time 1 pm

Place 317 HOB

Final Action: FAVORABLE

FAVORABLE WITH 4 AMENDMENTS

UNFAVORABLE

Vote:

YEA MEMBER NAY

✓ Rep. Clements
✓ Rep. Fontana
✓ Rep. Hagler
✓ Rep. Hattaway
✓ Rep. Hollingsworth
✓ Rep. Kelly

Total Yea 7 Total Nays

C O P Y

reproduced by

Subcommittee Chairman

FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
R. A. GRAY BUILDING
Tallahassee, FL 32399-0250
Series 19 Carton 74 C

SUBCOMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill:

Name Representing Address

Dick Hollaway Fla. Pediatric Society Tallahassee
Dr. Louis St. Petere Fla. Pediatric Society Tallahassee
Keith Leslie AAA Miami

(If additional persons, enter on reverse side and check here _)

NOTE: Please indicate by an "X" any State employee appearing at the request of Subcommittee Chairman

Received by Parent Committee: Date ________ Received by ________

H-74(1976)
Committee Information Record

Committee on Transportation

Date of meeting 2-10-82
Time 1:30 P.M.
Place 413-C

Final Action: ___ FAVORABLE
___ FAVORABLE WITH ___ AMENDMENTS
X FAVORABLE WITH SUBSTITUTE
___ UNFAVORABLE

Vote:

<table>
<thead>
<tr>
<th>YEA</th>
<th>Member</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>CLEMENTS, S.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>COSGROVE, J.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>EWING, T.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>FOSTER, J.</td>
<td>X</td>
</tr>
<tr>
<td>X</td>
<td>GUSTAFSON, T.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>HAGLER, C.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>HATTAWAY, B.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>HOLLINGSWORTH, W.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>JOHNSON, A.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>KELLY, E.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>LIBERTI, R.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>McPHERSON, S.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>McPHERSON, T.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>NUCKOLLS, P.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>PLUMMER, L.</td>
<td></td>
</tr>
</tbody>
</table>

Total Yea 14
Total Nay 2

Committee Appearance Record

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

Name  Representing Address

Mr. Jeff Garvin  Academy of Fla. Trial Lawyers - POB 2040, Ft. Myers, Fla.

Dr. Arnold L. Tani's  Fla.Pediatric Society 4500 Sheridan St., Hollywood, Fla.

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(File & copies with Clark)
I. SUMMARY:

A. Present Situation:

The use of child passenger restraint systems in a motor vehicle is not required by federal or Florida law.

B. Effect of Proposed Changes:

This bill requires each parent or legal guardian of a child under 4 years of age to properly use a child passenger restraint system which meets federal motor vehicle safety standards.

The bill makes an allowance for the mother to satisfy the child's physiological needs.

The bill does not provide for any penalty for persons not complying with the provisions of the bill.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Parents or legal guardians of children under 4 years of age will have to possess and use an approved restraint system. Such systems are available from vehicle manufacturers and may also be purchased through retail outlets. The average cost for such a system is $45.63 (2 discount stores in Tallahassee with eleven conforming restraint systems). Additionally, in some areas of the state these systems may be rented (leased) for nominal fees.

B. Government: None.

III. COMMENTS: None.

C O P Y

reproduced by
FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
R. A. GRAY BUILDING
Tallahassee, FL 32399-0250
Series 6 Carton 274
In compliance with Rule 7.16, there is hereby submitted a fiscal note on the above listed bill relative to the effect on revenues, expenditures, or fiscal liability of the State, and of Local Governments as a whole.

I. DESCRIPTION OF BILL
A. Fund or Tax Affected
   General Revenue Fund
   Fine and Forfeiture Funds
B. Principal Agency Affected
   Department of Highway Safety and Motor Vehicles
C. Narrative Summary

Requires every parent or legal guardian transporting a child five years old or younger in a Florida registered car, van, or pickup truck to protect the child by properly using a federally approved child restraint device. Children through three years must be restrained by a separate carrier while children four through five years may be restrained by a separate carrier or a seat belt. A person charged with violation of this requirement is subject to a civil penalty of $15; however, the case shall be dismissed if proof of acquisition of a child restraint device is produced prior to or at the time of the defendant's court or hearing appearance.

It is the legislature's intent that all state, county, local law enforcement agencies, and safety councils conduct safety and public awareness campaigns addressing the problems of child death and injury resulting from unrestrained children in motor vehicles.

The bill was amended on the house floor to require the state to reimburse from the General Revenue Fund each county for any expenses incurred by the county.

Effective date: July 1, 1983.

II. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS
A. Non-Recurring or First Year Start-up Effects
   Indeterminate (See comments)
B. Recurring or Annualized Continuation Effects
   Indeterminate (See comments)
   Long Run Effects other than Normal Growth
   None
D. Source of Funds
   General Revenue Fund
V. COMMENTS:

The bill as amended requires the state to reimburse from the General Revenue Fund any expenses incurred by a local government as a result of implementing the provisions of this bill. The primary costs to local governments will be:

1) Those incurred by the county courts and the clerk's office in processing and handling violations. These administrative costs will be increased because the clerk is authorized to dismiss cases if proof of purchase of a restraint device is provided, thus complicating record keeping.

2) The requirement that local agencies conduct a continuing public education and awareness campaign.

The cost of providing the notice required by subsection (3) incurred by the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles would be minimal as the notice would be provided with delivery of license tags.

Some federal funds are available through the Bureau of Highway Safety in the Department of Veteran and Community Affairs for a public information and awareness campaign.

The bill as amended appears to permit local governments to retain the revenue generated by the citations while imposing the costs of the bill on the General Revenue Fund.
A bill to be entitled
An act relating to state uniform traffic
control; requiring the use of child passenger
restraint systems when transporting children
under 4 years of age; providing exceptions;
providing that failure to utilize such a
restraint system shall not be considered as
contributory negligence; providing that such
failure shall not be admissible as evidence in
any civil action; providing a penalty;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Child passenger restraint systems required;
exceptions; penalty.--
(1) Except as provided in subsection (2), effective
January 1, 1983, every parent or legal guardian of a child
under the age of 4 years residing in this state, when
transporting such child on the roadways, streets, or highways
of this state in a motor vehicle owned by that parent or
guardian, shall be responsible for the protection of such
child by providing and properly utilizing a child passenger
restraint system meeting federal motor vehicle safety
standards. However, nothing in this section shall restrict a
parent, guardian, or other person who is 12 years of age or
older, while riding as a passenger in such vehicle, from
temporarily removing the child from the restraint system and
holding the child if necessary to feed the child or to
otherwise attend to the child's physiological needs.

(2) The term "motor vehicle" as used in this section
shall not apply to:
(a) Recreational vehicles of the truck or van type.
(b) Trucks having a tonnage rating of 1 ton or more.
(c) In no event shall failure to utilize a child
passenger restraint system as required in this section be
considered as contributory negligence, nor shall such failure
be admissible as evidence in the trial of any civil action.
(4) Violation of this section is hereby declared a
noncriminal traffic infraction as defined in s. 318.13(3),
Florida Statutes, punishable as provided in s. 316.655,
Florida Statutes.

Section 2. This act shall take effect July 1, 1982.

SUMMARY

This act mandates that when parents or legal guardians of children
under 4 years of age are transporting them in motor vehicles
owned by them, they must provide and use approved child passenger
restraint systems. It also specifies that failure to utilize such a
system shall not be considered contributory negligence or be
admissible as evidence in the trial of any civil action. Violations
are punishable as noncriminal traffic infractions.

Provides that violation of this act is punishable by a
noncriminal traffic infraction, punishable by a fine of $15 or $25,
or in certain instances, by mandatory hearing and a fine of up to
$500.
By Representatives Lippman, Evans-Jones, D. L. Jones and Gordon

A bill to be entitled

An act relating to highway safety; creating s.

316.268, Florida Statutes, providing child
restraint requirements; providing a penalty;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.268, Florida Statutes, is
created to read:

316.268 Child restraint requirements.--
(1) Every driver transporting a child the age of 4
years or younger in a passenger car, van, or pickup truck
registered in the State of Florida and operated on the
roadways, streets, or highways of this state shall provide for
the protection of said child by properly using a crash-tested,
federally approved child restraint device. Failure to provide
and use a child passenger restraint shall not be considered
contributory negligence.

(2) A person found to be in violation of this section
shall be subject to a civil fine not to exceed $15. No person
charged with violating this section shall be convicted if,
prior to or at the time of his court or hearing appearance, he
produces in court, or submits to the clerk of the court in
which the charge is pending, proof of acquisition of required
child restraint. The clerk of the court is authorized to
dismiss such cases at any time if proof of acquisition is
produced prior to the defendant's scheduled court or hearing
appearance.

Section 2. This act shall take effect October 1, 1982.
By Committee on Transportation and Representatives Lippman, Evans-Jones, D. L. Jones, Gordon and others

A bill to be entitled
An act relating to highway safety; creating s. 316.268, Florida Statutes; providing child restraint requirements; amending s. 318.18(2), Florida Statutes; providing a penalty; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.268, Florida Statutes, is created to read:

316.268 Child restraint requirements.--
(1) Every parent or legal guardian transporting a child the age of 5 years or younger in a passenger car, van, or pickup truck registered in the State of Florida and operated on the roadways, streets, or highways of this state shall provide for the protection of said child by properly using a crash-tested, federally approved child restraint device. For children through 3 years, such restraint device must be a separate carrier. For children 4 through 5 years, a separate carrier or seat belt may be used. Failure to provide and use a child passenger restraint shall not be considered contributory negligence, nor shall such failure be admissible as evidence in the trial of any civil action with regard to negligence.

(2) It is the legislative intent that all state, county, and local law enforcement agencies, and safety councils, in recognition of the problems with child death and injury from unrestrained occupancy in motor vehicles conduct a continuing safety and public awareness campaign as to the magnitude of the problem. No person charged with violating this section shall be convicted if, prior to or at the time of his court or hearing appearance, he produces in court, or submits to the clerk of the court in which the charge is pending, proof of acquisition of required child restraint. The clerk of the court is authorized to dismiss such cases at any time if proof of acquisition is produced prior to the defendant's scheduled court or hearing appearance.

Section 2. Subsection (2) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.--The penalties required for a noncriminal disposition pursuant to s. 318.14(1), (2) and (4) shall be as follows:

(2) Fifteen dollars for all nonmoving traffic violations and for all violations of s. 320.07(3) and s. 316.268.

Section 3. This act shall take effect October 1, 1982.
A bill to be entitled
An act relating to motor vehicles; requiring
the use of certain child passenger restraint systems when transporting children under 4
years of age; providing an exception; providing
an effective date.

WHEREAS, the safety of the citizens of the State of Florida is a proper concern of the Florida Legislature, and
WHEREAS, a minor child cannot decide for himself whether to use passenger safety equipment, and
WHEREAS, there are reported deaths of minors resulting from their failure to be restrained in child restraint devices, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Each parent or legal guardian of a child under 4 years of age residing in this state shall be responsible, when transporting such child on the roadways, streets, or highways of this state in a motor vehicle owned by that parent or guardian for providing for the protection of such child and for properly using a child passenger restraint system meeting federal motor vehicle safety standards.

However, nothing in this section shall restrict a mother, while riding as a passenger in such vehicle from removing the child from such system and holding the child when the mother is nursing the child or attending to its other physiological needs.

Section 2. This act shall take effect July 1, 1982.

SENATE SUMMARY
Requires parents or legal guardians of children under 4 years of age, when transporting such children in any personally owned motor vehicle, to provide and use a child passenger restraint system which meets federal standards. Provides an exception for a mother who is a passenger in the motor vehicle and who is attending to the child's physiological needs.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.268, Florida Statutes, is created to read:

316.268 Child restraint requirements.--

(1) Every driver transporting a child the age of 4 years or younger in a passenger car, van, or pickup truck registered in the State of Florida and operated on the roadways, streets, or highways of this state shall provide for the protection of said child by properly using a crash-tested, federally approved child restraint device. Failure to provide and use a child passenger restraint shall not be considered contributory negligence.

(2) A person found to be in violation of this section shall be subject to a civil fine not to exceed $15. No person charged with violating this section shall be convicted if, prior to or at the time of his court or hearing appearance, he produces in court, or submits to the clerk of the court in which the charge is pending, proof of acquisition of required child restraint. The clerk of the court is authorized to dismiss such cases at any time if proof of acquisition is produced prior to the defendant's scheduled court or hearing appearance.

Section 2. This act shall take effect October 1, 1982.
A bill to be entitled
An act relating to highway safety; creating s.
316.268, Florida Statutes; providing child
restraint requirements; amending s. 318.18(2),
Florida Statutes; providing a penalty;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.268, Florida Statutes, is
created to read:

316.268 Child restraint requirements.--
(1) Every parent or legal guardian transporting a
child the age of 5 years or younger in a passenger car, van,
or pickup truck registered in the State of Florida and
operated on the roadways, streets, or highways of this state
shall provide for the protection of said child by properly
using a crash-tested, federally approved child restraint
device. For children through 3 years, such restraint device
must be a separate carrier. For children 4 through 5 years, a
separate carrier or seat belt may be used. Failure to provide
and use a child passenger restraint shall not be considered
contributory negligence, nor shall such failure be admissible
as evidence in the trial of any civil action with regard to
negligence.

(2) It is the legislative intent that all state,
county, and local law enforcement agencies, and safety
councils, in recognition of the problems with child death and
injury from unrestrained occupancy in motor vehicles conduct a
continuing safety and public awareness campaign as to the
magnitude of the problem. No person charged with violating

this section shall be convicted if, prior to or at the time of
his court or hearing appearance, he produces in court, or
submits to the clerk of the court in which the charge is
pending, proof of acquisition of required child restraint.
The clerk of the court is authorized to dismiss such cases at
any time if proof of acquisition is produced prior to the
defendant's scheduled court or hearing appearance.

Section 2. Subsection (2) of section 318.18, Florida
Statutes, is amended to read:

318.18 Amount of civil penalties.--The penalties
required for a noncriminal disposition pursuant to s.
318.14(1), (2) and (4) shall be as follows:

(2) Fifteen dollars for all nonmoving traffic
violations and for all violations of s. 320.07(3) and s.
316.268.

Section 3. This act shall take effect October 1, 1982.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR SENATE BILLS 298 & 101

February 3, 1982

Every parent or legal guardian, rather than every driver,
transporting a child 5 years or younger (rather than 4)
shall provide protection to said child.

Children through 3 years of age are to be protected by the
use of a separate carrier. Children ages 4 and 5 may use
a separate carrier or a seat belt.

All state, county and local law enforcement agencies and
safety councils, in recognition of the problems created
by unrestrained children in motor vehicles, are to conduct
a continuing safety and public awareness campaign as to the
magnitude of the problem.