

HB 151

2018

1 A bill to be entitled
2 An act relating to motor vehicle theft; amending s.
3 316.1975, F.S.; providing criminal penalties if a
4 vehicle is not locked in a proper manner and the
5 vehicle is stolen by a minor; amending s. 985.433,
6 F.S.; providing for more lenient consideration of
7 certain first-time juvenile motor vehicle theft
8 offenders; providing an effective date.

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

11
12 Section 1. Section 316.1975, Florida Statutes, is amended
13 to read:

14 316.1975 Unattended motor vehicle.—

15 (1) A person driving or in charge of any motor vehicle may
16 not permit it to stand unattended without first stopping the
17 engine, locking the ignition, and removing the key. A vehicle
18 may not be permitted to stand unattended upon any perceptible
19 grade without stopping the engine and effectively setting the
20 brake thereon and turning the front wheels to the curb or side
21 of the street. Except as provided in subsection (3), a violation
22 of this section is a noncriminal traffic infraction, punishable
23 as a nonmoving violation as provided in chapter 318.

24 (2) This section does not apply to the operator of:

25 (a) An authorized emergency vehicle while in the

26 | performance of official duties and the vehicle is equipped with
 27 | an activated antitheft device that prohibits the vehicle from
 28 | being driven;

29 | (b) A licensed delivery truck or other delivery vehicle
 30 | while making deliveries;

31 | (c) A solid waste or recovered materials collection
 32 | vehicle while collecting such items; or

33 | (d) A vehicle that is started by remote control while the
 34 | ignition, transmission, and doors are locked.

35 | (3) It is a misdemeanor of the second degree, punishable
 36 | as provided in s. 775.082 or s. 775.083, if a person violates
 37 | subsection (1) by failing to lock the ignition of a motor
 38 | vehicle in the required manner, and, as a result thereof, a
 39 | minor commits the offense of theft of the motor vehicle.

40 | Section 2. Paragraph (a) of subsection (6) of section
 41 | 985.433, Florida Statutes, is amended to read:

42 | 985.433 Disposition hearings in delinquency cases.—When a
 43 | child has been found to have committed a delinquent act, the
 44 | following procedures shall be applicable to the disposition of
 45 | the case:

46 | (6) The first determination to be made by the court is a
 47 | determination of the suitability or nonsuitability for
 48 | adjudication and commitment of the child to the department. This
 49 | determination shall include consideration of the recommendations
 50 | of the department, which may include a predisposition report.

51 The predisposition report shall include, whether as part of the
52 child's multidisciplinary assessment, classification, and
53 placement process components or separately, evaluation of the
54 following criteria:

55 (a) The seriousness of the offense to the community. If
56 the court determines under chapter 874 that the child was a
57 member of a criminal gang at the time of the commission of the
58 offense, the seriousness of the offense to the community shall
59 be given great weight. If the offense is theft of a motor
60 vehicle under s. 812.014(2)(c)6., is not an offense described in
61 s. 985.557(2)(c), and the child has not been previously
62 adjudicated for the theft of a motor vehicle, the court shall
63 accord the seriousness of the offense less weight.

64
65 It is the intent of the Legislature that the criteria set forth
66 in this subsection are general guidelines to be followed at the
67 discretion of the court and not mandatory requirements of
68 procedure. It is not the intent of the Legislature to provide
69 for the appeal of the disposition made under this section.

70 Section 3. This act shall take effect October 1, 2018.