

By Senator Book

32-00213-18

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1                                   A bill to be entitled  
2       An act relating to children in motor vehicles;  
3       amending s. 316.6135, F.S.; prohibiting a parent,  
4       legal guardian, or other person responsible for a  
5       child younger than a specified age from leaving the  
6       child unattended or unsupervised in a motor vehicle  
7       for any length of time; providing criminal penalties;  
8       providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

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12       Section 1. Section 316.6135, Florida Statutes, is amended  
13       to read:

14       316.6135 Leaving children unattended or unsupervised in  
15       motor vehicles; penalty; authority of law enforcement officer.-

16       (1) A parent, legal guardian, or other person responsible  
17       for a child younger than 6 years of age may not leave the child  
18       unattended or unsupervised in a motor vehicle for any length of  
19       time;

20       ~~(a) For a period in excess of 15 minutes;~~

21       ~~(b) For any period of time if the motor of the vehicle is~~  
22       ~~running, the health of the child is in danger, or the child~~  
23       ~~appears to be in distress.~~

24       (2) Any person who violates subsection (1) ~~the provisions~~  
25       ~~of paragraph (1)(a)~~ commits a misdemeanor of the second degree,  
26       punishable as provided in s. 775.082 or s. 775.083.

27       ~~(3) Any person who violates the provisions of paragraph~~  
28       ~~(1)(b) is guilty of a noncriminal traffic infraction, punishable~~  
29       ~~by a fine not less than \$50 and not more than \$500.~~

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30        (3)~~(4)~~ Any person who violates subsection (1) and in so  
31 doing causes great bodily harm, permanent disability, or  
32 permanent disfigurement to a child commits a felony of the third  
33 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
34 775.084.

35        (4)~~(5)~~ Any law enforcement officer who observes a child  
36 left unattended or unsupervised in a motor vehicle in violation  
37 of subsection (1) may use whatever means are reasonably  
38 necessary to protect the ~~minor~~ child and to remove him or her  
39 ~~the child~~ from the vehicle.

40        (5)~~(6)~~ If the child is removed from the immediate area,  
41 notification should be placed on the vehicle.

42        (6)~~(7)~~ The child shall be remanded to the custody of the  
43 Department of Children and Families pursuant to chapter 39,  
44 unless the law enforcement officer is able to locate the parents  
45 or legal guardian or other person responsible for the child.

46        Section 2. This act shall take effect October 1, 2018.