

By Representative Villalobos

1 A bill to be entitled
2 An act relating to child abuse; amending s.
3 316.6135, F.S.; revising language with respect
4 to leaving a child unattended or unsupervised
5 in a motor vehicle; providing penalties;
6 providing an effective date.

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

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10 Section 1. Section 316.6135, Florida Statutes, is
11 amended to read:

12 316.6135 Leaving children unattended or unsupervised
13 in motor vehicle; penalty; authority of law enforcement
14 officer.--

15 (1) No parent, legal guardian, or other person
16 responsible for a child younger than 10 years of age ~~6 years~~
17 ~~of age~~ shall leave such child unattended or unsupervised in a
18 motor vehicle for any period of time ~~a period in excess of 15~~
19 ~~minutes; however, no such person shall leave a child~~
20 ~~unattended for any period of time if the motor of the vehicle~~
21 ~~is running or the health of the child is in danger.~~

22 (2) No parent, legal guardian, or other person
23 responsible for a child between the ages of 10 through 15
24 shall leave such child unattended or unsupervised in a motor
25 vehicle for a period in excess of 15 minutes; however, no such
26 person shall leave a child unattended for any period of time
27 if the motor vehicle is running or the health of the child is
28 in danger. ~~Any person who violates the provisions of~~
29 ~~subsection (1) is guilty of a noncriminal traffic infraction,~~
30 ~~punishable by a fine of:~~

31 ~~(a) Not more than \$100; or~~

1 ~~(b) Not less than \$50 and not more than \$500 if the~~
2 ~~motor of the vehicle was running or the health of the child~~
3 ~~was in danger at the time of the violation.~~

4 (3) Any person who violates the provisions of
5 subsection (1) or subsection (2) is guilty of a misdemeanor of
6 the first degree, punishable as provided for in s. 775.082 or
7 s. 775.083.

8 (4) Any law enforcement officer who observes a child
9 left unattended or unsupervised in a motor vehicle in
10 violation of subsection (1) or subsection (2) may use whatever
11 means are reasonably necessary to protect the minor child and
12 to remove the child from the vehicle.

13 ~~(5)~~(4) If the child is removed from the immediate area
14 notification should be placed on the vehicle.

15 ~~(6)~~(5) The child shall be remanded to the custody of
16 the Department of Children and Families ~~Health and~~
17 ~~Rehabilitative Services~~ pursuant to chapter 39, unless the law
18 enforcement officer is able to locate the parents or legal
19 guardian or other person responsible for the child.

20 Section 2. This act shall take effect July 1, 1999.

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23 HOUSE SUMMARY

24 Prohibits any parent, legal guardian, or other person
25 responsible for a child younger than 10 years of age from
26 leaving such a child unattended or unsupervised in a
27 motor vehicle for any period of time and prohibits
28 leaving children who are between the ages of 10 and 15
unattended or unsupervised in a motor vehicle for a
period of time in excess of 15 minutes. Provides a first
degree misdemeanor penalty for violations.