

By Senator Diaz-Balart

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A bill to be entitled
An act relating to unattended children in motor
vehicles; amending s. 316.6135, F.S.; revising
provisions relating to leaving children
unattended in motor vehicles; prohibiting
leaving children younger than a specified age
unattended in a motor vehicle; providing
criminal penalties; providing an effective
date.

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

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

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

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

(2) No parent, legal guardian, or other person
responsible for a child between the ages of 10 through 15,
shall leave such child unattended or unsupervised in a motor
vehicle for a period in excess of 15 minutes; however, no such
person shall leave a child unattended for any period of time
if the motor vehicle is running or the health of the child is
in danger.

1 ~~(3)(2)~~ Any person who violates the provisions of
2 subsection (1) or subsection (2) is guilty of a misdemeanor of
3 the first degree noncriminal traffic infraction, punishable as
4 provided in s. 775.082 or s. 775.083.~~by a fine of:~~

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

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

9 ~~(4)(3)~~ Any law enforcement officer who observes a
10 child left unattended or unsupervised in a motor vehicle in
11 violation of subsection (1) or subsection (2) may use whatever
12 means are reasonably necessary to protect the minor child and
13 to remove the child from the vehicle.

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

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

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

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24 SENATE SUMMARY

25 Prohibits leaving children younger than 10 years of age
26 unattended in a motor vehicle for any period of time.
27 Prohibits leaving certain older children unattended for
 certain periods of time. Provides criminal penalties for
 violations.