

By the Committee on Judiciary and Representatives Cantens,
Fasano and Prieguez

1 A bill to be entitled
2 An act relating to traffic control; amending s.
3 316.6135, F.S.; providing definitions;
4 providing penalties for leaving a child under a
5 certain age unattended in a motor vehicle;
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) As used in this section:

16 (a) "Unattended" means that the parent, legal
17 guardian, or the person responsible for the child is outside
18 of the motor vehicle, more than 10 feet from the child, and
19 unable to continuously observe the child.

20 (b) "Unsupervised" means that no person older than 11
21 years of age remains in the motor vehicle with the child.

22 (2)(1) No parent, legal guardian, or other person
23 responsible for a child younger than 6 years of age shall
24 leave such child unattended or unsupervised in a motor vehicle
25 for a period in excess of 15 minutes; however, no such person
26 shall leave a child unattended for any period of time if the
27 motor of the vehicle is running or the health of the child is
28 in danger. Any person who violates the provisions of this
29 subsection is guilty of a noncriminal traffic infraction,
30 punishable by a fine of \$10.

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1 (3) Any parent, legal guardian, or other person
2 responsible for a child younger than 6 years of age who:
3 commits a violation of subsection (2) and who has previously
4 been found to have violated that subsection; or leaves a child
5 unattended for any period of time if the motor of the vehicle
6 is running or the health of the child is in danger commits a
7 misdemeanor of the first degree, punishable as provided in s.
8 775.082 or s. 775.083.

9 ~~(2) Any person who violates the provisions of~~
10 ~~subsection (1) is guilty of a noncriminal traffic infraction,~~
11 ~~punishable by a fine of:~~

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

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

16 ~~(4)~~(3) Any law enforcement officer who observes a
17 child left unattended or unsupervised in a motor vehicle in
18 violation of this section ~~subsection (1)~~ may use whatever
19 means are reasonably necessary to protect the minor child and
20 to remove the child from the vehicle.

21 ~~(5)~~(4) If the child is removed from the immediate area
22 notification should be placed on the vehicle.

23 ~~(6)~~(5) The child shall be remanded to the custody of
24 the Department of Children and Family Services pursuant to
25 chapter 39, unless the law enforcement officer is able to
26 locate the parents or legal guardian or other person
27 responsible for the child.

28 Section 2. This act shall take effect October 1, 2000.