

By the Committees on Crime & Punishment, 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 and ~~or~~
13 unsupervised in motor vehicle; penalty; authority of law
14 enforcement 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 and ~~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 of the vehicle is running or the health of the~~
28 ~~child is in danger. Any person who violates the provisions of~~
29 this subsection is guilty of a noncriminal traffic infraction,
30 punishable by a fine of \$100.

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1 (3) Any parent, legal guardian, or other person
2 responsible for a child younger than 6 years of age commits a
3 misdemeanor of the first degree, punishable as provided in s.
4 775.082 or s. 775.083 if that person:
5 (a) Commits a violation of subsection (2) and has
6 previously been found to have violated that subsection; or
7 (b) Leaves a child unattended for any period of time
8 if the motor of the vehicle is running or the health of the
9 child is in danger.
10 ~~(2) Any person who violates the provisions of~~
11 ~~subsection (1) is guilty of a noncriminal traffic infraction,~~
12 ~~punishable by a fine of:~~
13 ~~(a) Not more than \$100; or~~
14 ~~(b) Not less than \$50 and not more than \$500 if the~~
15 ~~motor of the vehicle was running or the health of the child~~
16 ~~was in danger at the time of the violation.~~
17 (4)(3) Any law enforcement officer who observes a
18 child left unattended or unsupervised in a motor vehicle in
19 violation of this section ~~subsection (1)~~ may use whatever
20 means are reasonably necessary to protect the minor child and
21 to remove the child from the vehicle.
22 (5)(4) If the child is removed from the immediate area
23 notification should be placed on the vehicle.
24 (6)(5) The child shall be remanded to the custody of
25 the Department of Children and Family Services pursuant to
26 chapter 39, unless the law enforcement officer is able to
27 locate the parents or legal guardian or other person
28 responsible for the child.
29 Section 2. This act shall take effect October 1, 2000.
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