

By Senator Diaz-Balart

37-284A-00

See HB 203

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

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

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

(2)~~(1)~~ No parent, legal guardian, or other person
responsible for a child younger than 6 years of age shall
leave such child unattended or unsupervised in a motor vehicle
for a period in excess of 10 ~~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.~~ Any person who violates the provisions of
this subsection is guilty of a noncriminal traffic infraction,
punishable by a fine of \$10.

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 has previously been
4 found to have violated that subsection, or who leaves a child
5 unattended in a motor vehicle for any period of time if the
6 motor vehicle is running or the health of the child is in
7 danger, commits a misdemeanor of the first degree, punishable
8 as provided in s. 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.
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LEGISLATIVE SUMMARY

Prohibits any parent, legal guardian, or other person responsible for a child younger than 6 years of age from leaving such child unattended or unsupervised in a motor vehicle for more than 10 minutes. Makes such a violation a noncriminal traffic infraction, punishable by a fine of \$10. Provides that any parent, legal guardian, or other person responsible for a child younger than 6 years of age who commits a violation of the act and has previously been found to have violated the act, or who leaves a child unattended or unsupervised in a motor vehicle for any period of time if the motor vehicle is running or the health of the child is in danger, commits a misdemeanor of the first degree.