

By the Committee on Transportation and Senator Diaz-Balart

306-2209-00

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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 outside
of the motor vehicle, more than 10 feet from the child, and
unable to continually 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 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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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 684

The CS clarifies the definition of "unattended" to mean the guardian is more than 10 feet from the child, and unable to continually observe the child.