



HB 1207

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A bill to be entitled
An act relating to safety of children; amending s.
316.6135, F.S.; providing definitions; providing penalties
for leaving a child 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
other person responsible for a child is more than 10 feet from
the child and is unable to continuously 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 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
commits a noncriminal traffic infraction, punishable by a fine
of \$10.

(3) Any parent, legal guardian, or other person
responsible for a child younger than 6 years of age who commits
a violation of subsection (2) and who has previously been found



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31 to have violated that subsection, who leaves a child younger
32 than 6 years of age unattended or unsupervised for a period in
33 excess of 15 minutes, or who leaves a child younger than 6 years
34 of age unattended for any period of time if the motor vehicle is
35 running or the health of the child is in danger commits a
36 misdemeanor of the first degree, punishable as provided in s.
37 775.082 or s. 775.083.

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

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

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

45 (4)~~(3)~~ Any law enforcement officer who observes a child
46 left unattended or unsupervised in a motor vehicle in violation
47 of this section ~~subsection (1)~~ may use whatever means are
48 reasonably necessary to protect the minor child and to remove
49 the child from the vehicle.

50 (5)~~(4)~~ If the child is removed from the immediate area
51 notification should be placed on the vehicle.

52 (6)~~(5)~~ The child shall be remanded to the custody of the
53 Department of Children and Family Services pursuant to chapter
54 39, unless the law enforcement officer is able to locate the
55 parents or legal guardian or other person responsible for the
56 child.

57 Section 2. This act shall take effect October 1, 2003.