

By Senator Dawson

29-881-05

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A bill to be entitled

An act relating to the offense of leaving a child unattended or unsupervised in a motor vehicle; amending s. 316.6135, F.S.; providing that such offense constitutes a second-degree misdemeanor rather than a noncriminal traffic infraction; providing that such offense is a second-degree felony if the child suffers great bodily harm, disability, or disfigurement; providing penalties; 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 ~~vehicles~~ vehicle; penalty; authority of law enforcement officer.--

(1) ~~A~~ No parent, legal guardian, or other person responsible for a child younger than 6 years of age may not ~~shall~~ leave such child unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes; however, ~~no~~ such person may not ~~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.

(2) Any person who violates ~~the provisions of~~ subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. ~~is guilty of a noncriminal traffic infraction, punishable by a fine of:~~

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

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

4 (3) Any person who violates subsection (1) and in so
5 doing causes great bodily harm, permanent disability, or
6 permanent disfigurement to a child, commits a felony of the
7 second degree, punishable as provided in s. 775.082, s.
8 775.083, or s. 775.084.

9 ~~(4)(3)~~ Any law enforcement officer who observes a
10 child left unattended or unsupervised in a motor vehicle in
11 violation of subsection (1) may use whatever means are
12 reasonably necessary to protect the minor child and to remove
13 the child from the vehicle.

14 ~~(5)(4)~~ If the child is removed from the immediate
15 area, notification should be placed on the vehicle.

16 ~~(6)(5)~~ The child shall be remanded to the custody of
17 the Department of Children and Family Services pursuant to
18 chapter 39, unless the law enforcement officer is able to
19 locate the parents or legal guardian or other person
20 responsible for the child.

21 Section 2. This act shall take effect July 1, 2005.

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24 SENATE SUMMARY

25 Provides that it is a misdemeanor of the second degree,
26 rather than a noncriminal traffic violation, to leave a
27 child unattended in a motor vehicle longer than 15
minutes. Provides that a violation that leaves a child
seriously harmed is a felony of the second degree.