

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Smith offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 130 and 131, insert:

5 Section 5. Section 316.6135, Florida Statutes, is amended
6 to read:

7 316.6135 Leaving children unattended or unsupervised in
8 motor vehicles ~~vehicle~~; penalty; authority of law enforcement
9 officer.--

10 (1) A ~~No~~ parent, legal guardian, or other person
11 responsible for a child younger than 6 years of age may not
12 ~~shall~~ leave such child unattended or unsupervised in a motor
13 vehicle for a period in excess of 15 minutes; however, ~~no~~ such
14 person may not ~~shall~~ leave a child unattended for any period of
15 time if the motor of the vehicle is running or the health of the
16 child is in danger.

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

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

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

25 (3) Any person who violates subsection (1) and in so doing
26 causes great bodily harm, permanent disability, or permanent
27 disfigurement to a child, commits a felony of the third degree,
28 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

29 ~~(4)~~~~(3)~~ Any law enforcement officer who observes a child
30 left unattended or unsupervised in a motor vehicle in violation
31 of subsection (1) may use whatever means are reasonably
32 necessary to protect the minor child and to remove the child
33 from the vehicle.

34 ~~(5)~~~~(4)~~ If the child is removed from the immediate area,
35 notification should be placed on the vehicle.

36 ~~(6)~~~~(5)~~ The child shall be remanded to the custody of the
37 Department of Children and Family Services pursuant to chapter
38 39, unless the law enforcement officer is able to locate the
39 parents or legal guardian or other person responsible for the
40 child.

41

42 ===== T I T L E A M E N D M E N T =====

43 Remove lines 1-20 and insert:

44 An act relating to vehicular incidents involving death or
45 personal injuries; providing a short title; amending s. 316.027,
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46 F.S.; requiring a court to sentence a driver of a vehicle to a
47 minimum term of imprisonment if the person is driving under the
48 influence and leaves the scene of a crash that results in death;
49 requiring a court to order the driver of a vehicle to make
50 restitution to the victim for any damage or loss if a driver
51 leaves the scene of an accident that results in injury or death;
52 requiring a court to make the payment of restitution a condition
53 of probation; providing that an order requiring the defendant to
54 make restitution to a victim does not remove or diminish the
55 requirement that the court order payment to the Crimes
56 Compensation Trust Fund; amending s. 316.193, F.S.; requiring
57 that a person convicted of DUI manslaughter be sentenced to a
58 mandatory minimum term of imprisonment; amending s. 921.0021,
59 F.S.; allowing assessment of victim injury points for certain
60 offenses if the court finds that the offender caused victim
61 injury; amending s. 316.6135, F.S.; providing that such offense
62 constitutes a second-degree misdemeanor rather than a
63 noncriminal traffic infraction; providing that such offense is a
64 third-degree felony if the child suffers great bodily harm,
65 disability, or disfigurement; providing penalties;

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