

1 A bill to be entitled
 2 An act relating to the offense of leaving a
 3 child unattended or unsupervised in a motor
 4 vehicle; amending s. 316.6135, F.S.; providing
 5 that such offense constitutes a second-degree
 6 misdemeanor under certain conditions; providing
 7 that such offense is a third-degree felony if
 8 the child suffers great bodily harm,
 9 disability, or disfigurement; providing
 10 penalties; providing an effective date.

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 12 Be It Enacted by the Legislature of the State of Florida:

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 14 Section 1. Section 316.6135, Florida Statutes, is
 15 amended to read:

16 316.6135 Leaving children unattended or unsupervised
 17 in motor vehicles ~~vehicle~~; penalty; authority of law
 18 enforcement officer.--

19 (1) ~~A~~ No parent, legal guardian, or other person
 20 responsible for a child younger than 6 years of age may not
 21 ~~shall~~ leave such child unattended or unsupervised in a motor
 22 vehicle:

23 (a) For a period in excess of 15 minutes; ~~however, no~~
 24 ~~such person shall leave a child unattended~~

25 (b) For any period of time if the motor of the vehicle
 26 is running or the health of the child is in danger.

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

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

1 (3) Any person who violates the provisions of
2 subsection (1)(b) is guilty of a noncriminal traffic
3 infraction, punishable by a fine

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

7 (4) Any person who violates subsection (1) and in so
8 doing causes great bodily harm, permanent disability, or
9 permanent disfigurement to a child commits a felony of the
10 third degree, punishable as provided in s. 775.082, s.
11 775.083, or s. 775.084.

12 ~~(5)(3)~~ Any law enforcement officer who observes a
13 child left unattended or unsupervised in a motor vehicle in
14 violation of subsection (1) may use whatever means are
15 reasonably necessary to protect the minor child and to remove
16 the child from the vehicle.

17 ~~(6)(4)~~ If the child is removed from the immediate
18 area, notification should be placed on the vehicle.

19 ~~(7)(5)~~ The child shall be remanded to the custody of
20 the Department of Children and Family Services pursuant to
21 chapter 39, unless the law enforcement officer is able to
22 locate the parents or legal guardian or other person
23 responsible for the child.

24 Section 2. This act shall take effect July 1, 2007.
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