

HB 667

2007

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

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

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

15           316.6135 Leaving children unattended or unsupervised in  
 16 motor vehicles ~~vehicle~~; penalty; authority of law enforcement  
 17 officer.--

18           (1) A ~~No~~ parent, legal guardian, or other person  
 19 responsible for a child younger than 6 years of age may not  
 20 ~~shall~~ leave such child unattended or unsupervised in a motor  
 21 vehicle for a period in excess of 15 minutes; however, ~~no~~ such  
 22 person may not ~~shall~~ leave a child unattended for any period of  
 23 time if the motor of the vehicle is running or the health of the  
 24 child is in danger.

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

29 ~~(a) Not more than \$100; or~~  
 30 ~~(b) Not less than \$50 and not more than \$500 if the motor~~  
 31 ~~of the vehicle was running or the health of the child was in~~  
 32 ~~danger at the time of the violation.~~

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

37 (4)~~(3)~~ Any law enforcement officer who observes a child  
 38 left unattended or unsupervised in a motor vehicle in violation  
 39 of subsection (1) may use whatever means are reasonably  
 40 necessary to protect the minor child and to remove the child  
 41 from the vehicle.

42 (5)~~(4)~~ If the child is removed from the immediate area,  
 43 notification should be placed on the vehicle.

44 (6)~~(5)~~ The child shall be remanded to the custody of the  
 45 Department of Children and Family Services pursuant to chapter  
 46 39, unless the law enforcement officer is able to locate the  
 47 parents or legal guardian or other person responsible for the  
 48 child.

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