

1                                   A bill to be entitled  
 2           An act relating to children unattended in motor  
 3           vehicles; amending s. 316.6135, F.S.; providing  
 4           immunity from civil liability or criminal prosecution  
 5           for forcible entry into a motor vehicle to remove a  
 6           minor in certain circumstances; providing an effective  
 7           date.

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

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11           Section 1.   Section 316.6135, Florida Statutes, is amended  
 12           to read:

13           316.6135   Leaving children unattended or unsupervised in  
 14           motor vehicles; penalty; authority to remove child from motor  
 15           vehicle; immunity of law enforcement officer.-

16           (1)   A parent, legal guardian, or other person responsible  
 17           for a child younger than 6 years of age may not leave the child  
 18           unattended or unsupervised in a motor vehicle:

19           (a)   For a period in excess of 15 minutes;

20           (b)   For any period of time if the motor of the vehicle is  
 21           running, the health of the child is in danger, or the child  
 22           appears to be in distress.

23           (2)   Any person who violates ~~the provisions of~~ paragraph  
 24           (1)(a) commits a misdemeanor of the second degree punishable as  
 25           provided in s. 775.082 or s. 775.083.

26           (3)   Any person who violates ~~the provisions of~~ paragraph

27 (1) (b) commits ~~is guilty of~~ a noncriminal traffic infraction,  
 28 punishable by a fine not less than \$50 and not more than \$500.

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

33 (5) Any person ~~law enforcement officer~~ who observes a  
 34 minor child left unattended or unsupervised in a motor vehicle  
 35 ~~in violation of subsection (1)~~ may use whatever means are  
 36 reasonably necessary to protect the ~~minor~~ child and to remove  
 37 the child from the motor vehicle, including forcible entry into  
 38 the vehicle. A person who enters a motor vehicle to remove a  
 39 child pursuant to this subsection shall ensure that law  
 40 enforcement is notified before entering the motor vehicle or  
 41 immediately thereafter.

42 (6) Notwithstanding any other provision of law, a person  
 43 who enters a motor vehicle to protect and remove a child  
 44 pursuant to subsection (5) is not civilly liable for damages to  
 45 the motor vehicle or subject to criminal prosecution for the  
 46 entry thereof if the person is a law enforcement officer or if  
 47 the person:

48 (a) Determines the vehicle is locked or there is otherwise  
 49 no reasonable method for the child to exit the vehicle without  
 50 assistance.

51 (b) Has a good faith and reasonable belief that entry into  
 52 the motor vehicle is necessary because the child is in imminent

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53 danger of suffering harm.

54 (c) Ensures that law enforcement is notified before  
55 entering the motor vehicle or immediately thereafter.

56 (d) Uses no more force to enter the vehicle and remove the  
57 child than is necessary.

58 (e) Remains with the child in a safe location, in  
59 reasonable proximity to the vehicle, until law enforcement  
60 arrives..

61 (7)(6) If the child is removed from the immediate area,  
62 notification should be placed on the vehicle.

63 (8)(7) The child shall be remanded to the custody of the  
64 Department of Children and Families pursuant to chapter 39,  
65 unless ~~the~~ law enforcement ~~officer~~ is able to locate the parents  
66 or legal guardian or other person responsible for the child.

67 Section 2. This act shall take effect July 1, 2016.