



CS/CS/HB 131, Engrossed 1

2016

1 A bill to be entitled
2 An act relating to unattended persons and animals in
3 motor vehicles; creating s. 768.139, F.S.; providing
4 definitions; providing immunity from civil liability
5 for damage to a motor vehicle related to the rescue of
6 a person or animal under certain circumstances;
7 providing applicability; providing an effective 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 768.139, Florida Statutes, is created
12 to read:

13 768.139 Rescue of vulnerable person or domestic animal
14 from a motor vehicle; immunity from civil liability.-

15 (1) DEFINITIONS.-As used in this section, the term:

16 (a) "Domestic animal" means a dog, cat, or other animal
17 that is domesticated and may be kept as a household pet. The
18 term does not include livestock or other farm animals.

19 (b) "Motor vehicle" has the same meaning as provided in s.
20 320.01.

21 (c) "Vulnerable person" has the same meaning as provided
22 in s. 435.02.

23 (2) IMMUNITY FOR DAMAGE TO MOTOR VEHICLE.-A person who
24 enters a motor vehicle, by force or otherwise, for the purpose
25 of removing a vulnerable person or domestic animal is immune
26 from civil liability for damage to the motor vehicle if the



27 person:

28 (a) Determines the motor vehicle is locked or there is
29 otherwise no reasonable method for the vulnerable person or
30 domestic animal to exit the motor vehicle without assistance.

31 (b) Has a good faith and reasonable belief, based upon the
32 known circumstances, that entry into the motor vehicle is
33 necessary because the vulnerable person or domestic animal is in
34 imminent danger of suffering harm.

35 (c) Ensures that law enforcement is notified or 911 called
36 before entering the motor vehicle or immediately thereafter.

37 (d) Uses no more force to enter the motor vehicle and
38 remove the vulnerable person or domestic animal than is
39 necessary.

40 (e) Remains with the vulnerable person or domestic animal
41 in a safe location, in reasonable proximity to the motor
42 vehicle, until law enforcement or other first responder arrives.

43 (3) APPLICABILITY.—This section does not limit or expand
44 any immunity provided under s. 768.13 for the care or treatment
45 of the vulnerable person or domestic animal.

46 Section 2. This act shall take effect upon becoming a law.