

By Senator Benacquisto

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1 A bill to be entitled
2 An act relating to persons or domestic animals
3 unattended in motor vehicles; amending s. 768.13,
4 F.S.; providing immunity from civil liability for
5 forcible entry into a motor vehicle to remove an
6 elderly person, disabled adult, minor, or domestic
7 animal in certain circumstances; providing a
8 definition; providing an effective date.

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

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12 Section 1. Subsection (4) is added to section 768.13,
13 Florida Statutes, to read:

14 768.13 Good Samaritan Act; immunity from civil liability.-

15 (4) (a) A person is immune from civil liability for any
16 damage resulting from the forcible entry of a motor vehicle for
17 the purpose of removing an elderly person or a disabled adult,
18 as those terms are defined in s. 825.101, a minor, or a domestic
19 animal from the vehicle if the person:

20 1. Determines that the vehicle is locked or there is
21 otherwise no reasonable method for the elderly person, disabled
22 adult, minor, or domestic animal to exit the vehicle.

23 2. Has a good faith belief that forcible entry into the
24 vehicle is necessary because the elderly person, disabled adult,
25 minor, or domestic animal is in imminent danger of suffering
26 harm if not immediately removed from the vehicle and, based upon
27 the circumstances known to the person at the time, the belief is
28 a reasonable one.

29 3. Contacts a local law enforcement agency, fire

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30 department, or 911 operator before forcibly entering the
31 vehicle.

32 4. Remains with the elderly person, disabled adult, minor,
33 or domestic animal in a safe location but reasonably close to
34 the vehicle, until a law enforcement officer, firefighter, or
35 other first responder arrives.

36 5. Uses no more force to enter the vehicle and remove the
37 elderly person, disabled adult, minor, or domestic animal from
38 the vehicle than necessary under the circumstances.

39 (b) As used in this subsection, the term "domestic animal"
40 means a dog, cat, or other animal that is domesticated and kept
41 as a household pet, but does not include livestock or other farm
42 animals.

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