

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 554

INTRODUCER: Rules Committee and Senator Bradley

SUBJECT: Hot Car Death Prevention

DATE: February 9, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Woodruff</u>	<u>Tuszynski</u>	<u>CF</u>	Favorable
2.	<u>Tuszynski</u>	<u>Twogood</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

Heatstroke is exposure to high temperatures for an extended period of time. Vehicular heatstroke involves being trapped in a vehicle under these circumstances. Young children, pets, and the elderly are at a high risk of vehicular heatstroke, usually because they are more likely to be left or become trapped in vehicles. The national average of child heatstroke deaths per year since 1998 is 38. Since 1998, Florida has had the second largest number of child heatstroke deaths in vehicles (110), second only to Texas (143). This year, seven children have died in Florida due to heatstroke in vehicles.

CS/SB 554 designates April as “Hot Car Prevention Month” to raise awareness of the dangers of leaving children unattended in motor vehicles and educate the public on how to prevent hot car deaths. The bill encourages the Florida Department of Children and Families, Florida Department of Health, Florida Department of Highway Safety and Motor Vehicles, local governments, and other agencies to sponsor events on specific topics that promote public awareness and education on the dangers of leaving children unattended in motor vehicles and how to prevent hot car deaths.

The bill may be cited as “Ariya’s Act” in memoriam of a 10-month-old infant that died of heatstroke after being left in a vehicle.

There is no anticipated fiscal impact on state or local governments.

The bill is effective upon becoming law.

II. Present Situation:

Child Heatstroke Deaths in Vehicles

Heatstroke is the most serious heat-related illness and occurs when a person is exposed to high temperatures for an extended period of time.¹ In this condition, the body can no longer control its temperature: the body's temperature rises rapidly, the sweating mechanism fails, and the body is unable to cool down.² When heat stroke occurs, the body temperature can rise to 106 degrees F or higher within 10 to 15 minutes causing permanent disability or death if the person does not receive emergency treatment.³ Vehicular heatstroke involves being trapped in a vehicle under these conditions. Vehicular heatstroke can become fatal when the internal body core temperature reaches 107 degrees F at which point the body is unable to cool itself down through normal processes such as perspiration.⁴ Young children, pets, and the elderly are at a higher risk of vehicular heatstroke, usually because they are more likely to be left or become trapped in vehicles.⁵

Since 1998, 968 children have died nationwide due to vehicular heatstroke.⁶ The national average of child heatstroke deaths per year since 1998 is 38 and have ranged in age from 5 days old to 14 years.⁷ More than half the deaths (55 percent) are children under two years of age.⁸ Since 1998, Florida has had the largest number of child heatstroke deaths in vehicles (110), second only to Texas (143).⁹

¹ The Centers for Disease Control and Prevention, The National Institute for Occupational Safety and Health, *Heat Stress – Heat Related Illness*, available at: <https://www.cdc.gov/niosh/topics/heatstress/heatrelillness.html> (last visited Jan. 5, 2024).

² *Id.*

³ *Id.*

⁴ Seattle Children's Hospital Research Foundation, *Hot Cars and Kids – a Deadly Combination*, available at <https://pulse.seattlechildrens.org/hot-cars-and-kids-a-deadly-combination/> (last visited Jan. 5, 2024).

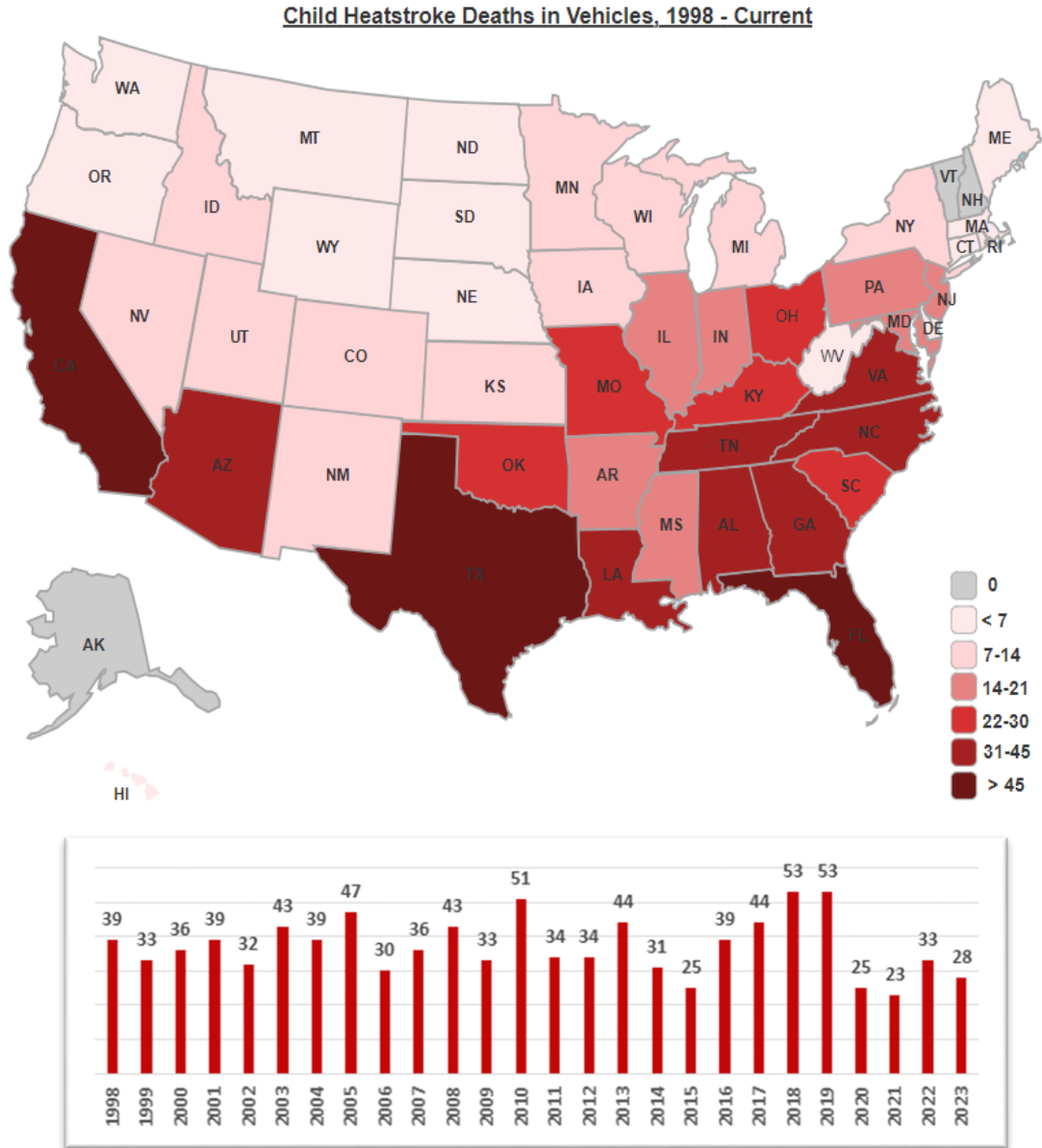
⁵ *Id.*

⁶ U.S. Department of Transportation, Traffic Safety marketing, *Child Safety: Heatstroke Prevention*, available at: https://www.trafficsafetymarketing.gov/get-materials/child-safety/heatstroke-prevention?_ga=2.56158690.870054613.1615229487-1650636428.1615229487 (last visited Jan. 5, 2024).

⁷ U.S. Department of Transportation, Traffic Safety Marketing, *Heatstroke Deaths of Children in Vehicles*, available at: <https://www.noheatstroke.org/index.htm> (last visited Jan. 5, 2024).

⁸ *Id.*

⁹ National Safety Council, *Hot Car Deaths*, available at: <https://injuryfacts.nsc.org/motor-vehicle/motor-vehicle-safety-issues/hotcars/data-details/> (last visited Jan. 5, 2024).



In 2023, seven children died in Florida due to vehicular heatstroke.¹⁰ In July 2023, a 10-month-old in Baker County died after her babysitter left her in a car for five hours during 95-degree weather.¹¹ The Baker County Sheriff’s Office subsequently arrested the babysitter and charged her with aggravated manslaughter of a child in violation of s. 782.07, F.S.¹²

¹⁰ *Id.*

¹¹ Baker County Sheriff’s Office, Arrest Report Number BCSO023CR00421S, available at: <https://s3.documentcloud.org/documents/23883703/23-1585-arrest-jewell.pdf> (last visited Jan. 4, 2024).

¹² *Id.*

State Laws Protecting Children in Motor Vehicles

Section 316.6135, F.S., prohibits a caregiver¹³ from leaving a child younger than six years of age unattended or unsupervised in a motor vehicle longer than 15 minutes, or for any period of time while the motor vehicle is running, the health of the child is in danger, or the child appears to be in distress. Each of these violations has its own penalties:

- Pursuant to s. 316.6135(2), F.S., a caregiver who leaves a child younger than six years of age unattended or unsupervised in a motor vehicle longer than 15 minutes commits a second-degree misdemeanor punishable up to 60 days in jail and a \$500 maximum fine.
- Pursuant s. 316.6135(3), F.S., a caregiver who leaves a child younger than six years of age unattended or unsupervised in a motor vehicle for any period of time while the vehicle is running, the health of the child is in danger, or the child appears to be in distress is guilty of a noncriminal traffic infraction punishable by a fine not less than \$50 and not more than \$500.

If the caregiver leaves a child younger than six years of age unattended or unsupervised in a vehicle longer than 15 minutes, or for any period of time while the motor vehicle is running, the child's health is in danger, or the child appears to be in distress, and that action causes great bodily harm, permanent disability, or permanent disfigurement to a child, then the person commits a third degree felony punishable as provided in ss. 775.082, 775.083, and 775.084, F.S.

Any law enforcement officer who observes a child left unattended or unsupervised in a motor vehicle may use whatever means reasonably necessary to protect the child and remove the child from the motor vehicle.¹⁴ If the law enforcement officer is unable to locate a caregiver, the child must be placed in the custody of the Florida Department of Children and Families.¹⁵

Additionally, s. 768.136, F.S., removes civil liability for damages to a vehicle if a person has a good faith and reasonable belief that entry into a locked vehicle is necessary to prevent harm to a vulnerable person.

Statewide Educational and Prevention Efforts

Department of Children and Families

The Department of Children and Families (DCF) is responsible for providing services that support child and family well-being. The DCF contracts with the Ounce of Prevention Fund of Florida, Inc. (Ounce)¹⁶ for the development and completion of an annual statewide Child Abuse Prevention Public Awareness Campaign with the goal of preventing child maltreatment and fatalities.¹⁷ The Ounce hosts annual events in March and April as part of the public awareness campaign that includes developing and distributing tool kits and parent resource packets.¹⁸

¹³ A caregiver includes a parent, legal guardian, or other person responsible for the child.

¹⁴ Section 316.6135(5), F.S.

¹⁵ Section 316.6135(7), F.S.

¹⁶ The Ounce is a private, nonprofit corporation dedicated to shaping prevention policy and investing in innovative prevention programs that provide measurable benefits to Florida's children, families, and communities. See The Ounce of Prevention of Florida, available at: <http://www.ounce.org> (last visited Jan. 5, 2024).

¹⁷ Contract No. LJ976

¹⁸ *Id.*

Department of Health

Safe Kids Florida within the Florida Department of Health (DOH) promotes children’s safety and prevention of unintentional childhood injuries, including heatstroke prevention.¹⁹ The DOH’s Injury Prevention Section is the lead organization for Safe Kids Florida.²⁰ There are currently 15 local Safe Kids coalitions covering 42 counties throughout Florida.²¹ Safe Kids Florida, through its local coalitions, promote prevention efforts by hosting educational events for parents and caregivers.²²

III. Effect of Proposed Changes:

Section 1 of the bill allows the act to be cited as “Ariya’s Act” in memoriam of a 10-month-old infant that died of a heatstroke after being left in a vehicle.

Section 2 of the bill creates s. 683.336, F.S., to designate April as “Hot Car Death Prevention Month” to raise awareness of the dangers of leaving children unattended in motor vehicles and educate the public on how to prevent hot car deaths.

The bill encourages the DCF, the DOH, the Department of Highway Safety and Motor Vehicles, local governments, and other agencies to sponsor events that promote public awareness and education on the dangers of leaving children unattended in motor vehicles and how to prevent hot car deaths, including, but not limited to:

- Motor vehicle safety for children.
- Criminal penalties associated with leaving a child unattended or unsupervised in a motor vehicle.
- Steps a bystander can take to rescue a child who is unattended in a motor vehicle and vulnerable or in imminent danger of suffering harm, as provided in s. 768.139(2), F.S.

Section 3 of the bill provides that the bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁹ Florida Department of Health, *Safe Kids Florida*, available at <https://www.floridahealth.gov/programs-and-services/safe-kids-florida/index.html> (last visited Jan. 5, 2024).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates s. 683.336 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Rules February 8, 2024:

The committee substitute adds the Department of Highway Safety and Motor Vehicles to the list of entities encouraged to sponsor events that promote public awareness and education on the dangers of leaving children unattended in motor vehicles.

B. Amendments:

None.