

Senate Bill No. 2

An act relating to the offense of leaving a child unattended or unsupervised in a motor vehicle; amending s. 316.6135, F.S.; providing that such offense constitutes a second-degree misdemeanor under certain conditions; providing that such offense is a third-degree felony if the child suffers great bodily harm, disability, or disfigurement; providing penalties; providing an effective date.

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

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

316.6135 Leaving children unattended or unsupervised in motor vehicles ~~vehiele~~; penalty; authority of law enforcement officer.—

(1) ~~A~~ ~~No~~ parent, legal guardian, or other person responsible for a child younger than 6 years of age may not ~~shall~~ leave such child unattended or unsupervised in a motor vehicle:

(a) ~~For a period in excess of 15 minutes; however, no such person shall leave a child unattended~~

(b) ~~For any period of time if the motor of the vehicle is running or the health of the child is in danger.~~

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

~~(a) Not more than \$100; or~~

(3) Any person who violates the provisions of subsection (1)(b) is guilty of a noncriminal traffic infraction, punishable by a fine

~~(b) not less than \$50 and not more than \$500 if the motor of the vehicle was running or the health of the child was in danger at the time of the violation.~~

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

~~(5)(3)~~ Any law enforcement officer who observes a child left unattended or unsupervised in a motor vehicle in violation of subsection (1) may use whatever means are reasonably necessary to protect the minor child and to remove the child from the vehicle.

~~(6)(4)~~ If the child is removed from the immediate area, notification should be placed on the vehicle.

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

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

Approved by the Governor June 20, 2007.

Filed in Office Secretary of State June 20, 2007.