

CHAPTER 2016-18

Committee Substitute for Committee Substitute for House Bill No. 131

An act relating to unattended persons and animals in motor vehicles; creating s. 768.139, F.S.; providing definitions; providing immunity from civil liability for damage to a motor vehicle related to the rescue of a person or animal under certain circumstances; providing applicability; providing an effective date.

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

Section 1. Section 768.139, Florida Statutes, is created to read:

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

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

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

(b) “Motor vehicle” has the same meaning as provided in s. 320.01.

(c) “Vulnerable person” has the same meaning as provided in s. 435.02.

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

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

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

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

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

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

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

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

Approved by the Governor March 8, 2016.

Filed in Office Secretary of State March 8, 2016.