

1985

Session Law 85-229

Florida Senate & House of Representatives

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By Representatives Irvine and Gordon

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A bill to be entitled

An act relating to traffic control; creating s.
316.6135, F.S.; prohibiting a parent, legal
guardian, or other person responsible for a
child from leaving the child unattended or
unsupervised in a motor vehicle; providing
penalties; authorizing a law enforcement
officer to take custody of a child who is
unattended or unsupervised in a motor vehicle;
providing an effective date.

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

Section 1 Section 316.6135, Florida Statutes, is
created to read:

316.6135 Leaving children unattended or unsupervised
in motor vehicle; penalty; authority of law enforcement
officer.--

(1) No parent, legal guardian, or other person
responsible for a child younger than 9 years of age shall
leave such child unattended or unsupervised in a motor vehicle
for a period in excess of 5 minutes or, if the motor of the
motor vehicle is running, for any period of time.

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

(a) Not more than \$100; or

(b) Not less than \$50 and not more than \$500 if the
motor of the motor vehicle was running at the time of the
violation.

average cost of 15 cents
plus and for the informatio.
publication was produced
single page in compliance with
of members of the Legislature and the public

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(3) Any law enforcement officer who observes a child left unattended or unsupervised in a motor vehicle in violation of subsection (1) may take custody of the child for the purpose of returning the child to the parent, legal guardian, or other person responsible for the child.

Section 2. This act shall take effect October 1, 1985.

SENATE SUMMARY

Provides that leaving a child under 9 years old unattended or unsupervised in a motor vehicle is a noncriminal traffic infraction. Authorizes a law enforcement officer to remove the child from the vehicle.

By: Senator Kiser

is publication form members of the Legislature produce an annual report and the publication of proposed legislation to

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A bill to be entitled
An act relating to traffic control, creating s.
316.6135, F.S.; prohibiting a parent, legal
guardian, or other person responsible for a
child from leaving the child unattended or
unsupervised in a motor vehicle, providing
penalties, authorizing a law enforcement
officer to take custody of a child who is
unattended or unsupervised in a motor vehicle,
providing an effective date

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

Section 1. Section 316.6135, Florida Statutes, is
created to read

316 6135 Leaving children unattended or unsupervised
in motor vehicle, penalty, authority of law enforcement
officer.--

(1) No parent, legal guardian, or other person
responsible for a child younger than 9 years of age shall
leave such child unattended or unsupervised in a motor vehicle
for a period in excess of 5 minutes or, if the motor of the
motor vehicle is running, for any period of time.

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

(a) Not more than \$100, or

(b) Not less than \$50 and not more than \$500 if the
motor of the motor vehicle was running at the time of the
violation.

1 (3) Any law enforcement officer who observes a child
 2 left unattended or unsupervised in a motor vehicle in
 3 violation of subsection (1) may take custody of the child for
 4 the purpose of returning the child to the parent, legal
 5 guardian, or other person responsible for the child

6 Section 2 This act shall take effect October 1, 1985

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SENATE SUMMARY

Provides that leaving a child under 9 years old unattended or unsupervised in a motor vehicle is a noncriminal traffic infraction. Authorizes a law enforcement officer to remove the child from the vehicle.

LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

| | | |
|---------------------------|-------------------------------------|--|
| Sess. Law # <i>85-229</i> | Sec. # | LOF cite |
| Prime Bill # <i>SB.49</i> | Comp./Sim. Bills <i>HB.663</i> | |
| JLHC Hist. Cites | Senate <i>18</i> House <i>45</i> | Comms. of Ref. Senate <i>Transportation</i> House <i>Transportation</i> |

COMMITTEE RECORDS

| H/S | Committee | Year | Record Series: Folder title, etc. | Loc. Cite | v |
|---|---------------|-------------|-----------------------------------|----------------|---|
| <i>H</i> | <i>Transp</i> | <i>1985</i> | <i>Bill files: HB 663</i> | <i>19/1438</i> | |
| <i>S</i> | <i>Transp</i> | <i>1985</i> | <i>Bill files: SB.49</i> | <i>18/1483</i> | |
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Senate/House Journals

| Page # | ? | Date | Page # | ? | Date |
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Committee/Floor Tapes

| H/S | c/f | Committee/subcommittee name | Date | # | Location Cite |
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Other Documentation

| Record Series Title, folder title, etc. | Location Cite |
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Section 4. This act shall take effect October 1, 1985, except that this section and section 3 shall take effect upon becoming a law.

Approved by the Governor June 19, 1985.

Filed in Office Secretary of State June 19, 1985.

CHAPTER 85-229

Senate Bill No. 49

An act relating to traffic control; creating s. 316.6135, F.S.; prohibiting a parent, legal guardian, or other person responsible for a child from leaving the child unattended or unsupervised in a motor vehicle; providing penalties; authorizing a law enforcement officer to take custody of a child who is unattended or unsupervised in a motor vehicle; providing for notification of the parent, legal guardian, or person responsible where the child is removed from the vicinity of the vehicle; provides for remanding of the child to the Department of Health and Rehabilitative Services when a person responsible can not be contacted; providing for the law enforcement officer's immunity from civil liability; providing an effective date.

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

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

316.6135 Leaving children unattended or unsupervised in motor vehicle; penalty; authority of law enforcement officer.--

(1) No parent, legal guardian, or other person responsible for a child younger than 6 years of age shall leave such child unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes; however, no such person shall leave a child unattended 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) is guilty of a noncriminal traffic infraction, punishable by a fine of:

(a) Not more than \$100; or

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

(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 him from the vehicle.

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

(5) The child shall be remanded to the custody of the Department of Health and Rehabilitative 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 October 1, 1985.

Approved by the Governor June 19, 1985.

Filed in Office Secretary of State June 19, 1985.

CHAPTER 85-230

Senate Bill No. 115

An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; expanding the term "charitable institutions" so as to grant an exemption to organizations which provide certain services pertaining to animals; providing an exemption to nonprofit nursing homes and hospices; amending s. 212.08, F.S.; revising requirements relating to the exemption for purchase or lease of certain motion picture, television, and sound recording equipment used in production activities; providing refund procedures; providing definitions relating to the partial exemption for master tapes, records, films, and video tapes; specifying expiration date of said exemptions; amending section 6 of chapter 84-324, Laws of Florida, which requires that the Department of Commerce provide a report on the impact on said exemptions; correcting references; amending section 9 of chapter 84-324, Laws of Florida; deleting reference to repeal of a portion of said act; providing that the amendments contained in this act do not affect certain provisions of chapter 84-356, Laws of Florida; providing an effective date.

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

Section 1. Paragraph (a) of subsection (7) of section 212.08, Florida Statutes, 1984 Supplement, is amended and paragraph (v) of said subsection is added to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(7) MISCELLANEOUS EXEMPTIONS.--

(a) Religious, charitable, scientific, educational, and veterans' institutions and organizations.--

1. There are exempt from the tax imposed by part I of this chapter transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

Extract from
HISTORY OF LEGISLATION, 1985

(prepared by the Joint Legislative Management Committee
Legislative Information Division)

S 49 GENERAL BILL/ENG by Kiser (Similar H 663)

Traffic Control; prohibits parent, legal guardian, or other person responsible for a child, from leaving child unattended or unsupervised in a motor vehicle; provides penalties; authorizes law enforcement officer to take custody of child who is unattended or unsupervised in motor vehicle; provides for notification of parent, legal guardian, or person responsible where child is removed from vicinity of vehicle, etc. Creates 316.6135. Effective Date: 10/01/85.

12/11/84 SENATE Prefiled
12/18/84 SENATE Referred to Transportation
02/19/85 SENATE On Committee agenda—Transportation, 03/06/85, 9:00 am, Room C—Motion to reconsider
04/02/85 SENATE Introduced, referred to Transportation -SJ 27; On Committee agenda—Transportation, 04/03/85, 2:00 pm, Room C
04/03/85 SENATE Comm. Report. Favorable with 7 amendment(s) by Transportation, placed on Calendar -SJ 70
04/16/85 SENATE Placed on Special Order Calendar; Passed as amended; YEAS 35 NAYS 0 -SJ 115; Immediately certified -SJ 112
04/17/85 HOUSE In Messages
04/22/85 HOUSE Received, referred to Transportation; Appropriations -HJ 183
04/29/85 HOUSE On Committee agenda—Transportation, 05/01/85, 1:00 pm, 214C
05/01/85 HOUSE Preliminary Committee Report by Transportation: Favorable
05/02/85 HOUSE Comm. Report: Favorable by Transportation -HJ 243; Now in Appropriations
05/23/85 HOUSE On Committee agenda—Appropriations, 05/23/85, 1:15 pm, Morris Hall; Preliminary Committee Report by Appropriations: Favorable, to Calendar
05/24/85 HOUSE Comm. Report: Favorable by Appropriations, placed on Calendar -HJ 583
05/29/85 HOUSE Placed on Special Order Calendar
05/30/85 HOUSE Read second time; Read third time; Passed; YEAS 109 NAYS 2 -HJ 1041
05/30/85 Ordered enrolled -SJ 699
06/12/85 Signed by Officers and presented to Governor
06/19/85 Approved by Governor; Chapter No. 85-229

H 663 GENERAL BILL by Irvine; Gordon and others (Similar ENG/S 49)

Traffic Control; prohibits parent, legal guardian, or other person responsible for a child, from leaving child unattended or unsupervised in a motor vehicle; provides penalties; authorizes law enforcement officer to take custody of child who is unattended or unsupervised in motor vehicle. Creates 316.6135. Effective Date: 10/01/85.

03/27/85 HOUSE Prefiled
03/28/85 HOUSE Referred to Transportation; Appropriations
04/02/85 HOUSE Introduced, referred to Transportation; Appropriations -HJ 59
04/11/85 HOUSE On Committee agenda—Transportation, 04/15/85, 1:15 pm, 214C, for subreferral
04/15/85 HOUSE Subreferred to Subcommittee on Highway Safety and Motor Vehicles
04/29/85 HOUSE On Committee agenda—Transportation, 05/01/85, 1:00 pm, 214C—SB 49 recommended in lieu of HB 663
05/31/85 HOUSE Died in Committee on Transportation, Iden./Sim./ Compare bill passed, refer to SB 49 (Ch. 85-229)

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

| <u>ANALYST</u> | <u>STAFF DIRECTOR</u> | <u>REFERENCE</u> | <u>ACTION</u> |
|-------------------|-----------------------|------------------|---------------|
| 1. <u>Johnson</u> | <u>Christensen</u> | 1. <u>TR</u> | _____ |
| 2. _____ | _____ | 2. _____ | _____ |
| 3. _____ | _____ | 3. _____ | _____ |

SUBJECT:

Child safety; prohibiting the leaving of a child unattended in an automobile

BILL NO. AND SPONSOR:

SB 49 by Senator Kiser

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1483

I. SUMMARY:

A. Present Situation:

Section 316.1975, F.S., requires the operator of a motor vehicle, other than a licensed vehicle making deliveries, to stop the engine, lock the ignition and remove the key before leaving his vehicle unattended. There is no current provision prohibiting the leaving of a child unattended in a motor vehicle.

B. Effect of Proposed Changes:

The bill prohibits the parent, legal guardian or other person responsible for a child younger than nine from leaving the child unattended or unsupervised in a parked car for more than five minutes. If the motor vehicle's motor is running, the child may not be left unattended or unsupervised for any period of time. Law enforcement officers who observe a violation of the provisions of this bill are authorized to take custody of the child for the purpose of returning him to the parent, legal guardian, or other person responsible for the child. Any person violating the provisions of the bill is guilty of a noncriminal traffic infraction and is subject to a fine of not more than \$100 or, if the vehicle's motor was running at the time of the violation, a fine of not less than \$50 or more than \$500.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Those persons found to have violated the provisions of the bill will be subject to the fine set forth.

B. Government:

Local governments will receive the proceeds of the fines imposed for violations but the amount of such revenue is not known. The extent to which enforcement of the provisions of the bill will increase costs to law enforcement agencies is also not known.

III. COMMENTS:

The bill does not indicate how a determination of the five minute time period is to be made. A law enforcement officer could have to observe a child in a parked vehicle for the full five minute period before being able to take action.

REVISED: _____

BILL NO. SB 49

DATE: February 27, 1985

Page 2

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

| <u>ANALYST</u> | <u>STAFF DIRECTOR</u> | <u>REFERENCE</u> | <u>ACTION</u> |
|-------------------|-----------------------|------------------|----------------------|
| 1. <u>Johnson</u> | <u>Christensen</u> | 1. <u>AR</u> | <u>Fav/7 Amends.</u> |
| 2. _____ | _____ | 2. _____ | _____ |
| 3. _____ | _____ | 3. _____ | _____ |

SUBJECT:

Child safety; prohibiting the leaving of a child unattended in an automobile

BILL NO. AND SPONSOR:

SB 49 by Senator Kiser

I. SUMMARY:

A. Present Situation:

Section 316.1975, F.S., requires the operator of a motor vehicle, other than a licensed vehicle making deliveries, to stop the engine, lock the ignition and remove the key before leaving his vehicle unattended. There is no current provision prohibiting the leaving of a child unattended in a motor vehicle.

18' 11/83

B. Effect of Proposed Changes:

The bill prohibits the parent, legal guardian or other person responsible for a child younger than nine from leaving the child unattended or unsupervised in a parked car for more than five minutes. If the motor vehicle's motor is running, the child may not be left unattended or unsupervised for any period of time. Law enforcement officers who observe a violation of the provisions of this bill are authorized to take custody of the child for the purpose of returning him to the parent, legal guardian, or other person responsible for the child. Any person violating the provisions of the bill is guilty of a noncriminal traffic infraction and is subject to a fine of not more than \$100 or, if the vehicle's motor was running at the time of the violation, a fine of not less than \$50 or more than \$500.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Those persons found to have violated the provisions of the bill will be subject to the fine set forth.

B. Government:

Local governments will receive the proceeds of the fines imposed for violations but the amount of such revenue is not known. The extent to which enforcement of the provisions of the bill will increase costs to law enforcement agencies is also not known.

III. COMMENTS:

The bill does not indicate how a determination of the five minute time period is to be made. A law enforcement officer could have to observe a child in a parked vehicle for the full five minute period before being able to take action.

IV. AMENDMENTS:

No. 1 by Transportation

Changes the period of time which a child can be left unattended from 5 minutes to 15 minutes and adding language to also prohibit the leaving of a child for any period of time if the health of the child is in danger.

No. 2 by Transportation

Imposes a fine of not less than \$50 or more than \$500 for leaving a child unattended for any period where the vehicle is running or the health of the child is in danger.

No. 3. by Transportation

Changes the age of the child who can not be left unattended from 9 years to 6.

No. 4 by Transportation

Allows the law enforcement officer to use whatever means are reasonably necessary to protect the minor child and to remove him from the vehicle.

No. 5 by Transportation

Adds two new subsections. Subsection (4) provides for notice to the parent or legal guardian or person in charge to be left on the vehicle if the child is removed from the immediate area. The notice should inform them of where the child can be found. Subsection (5) allows the law enforcement officer to turn the child over to H.R.S. pursuant to Chapter 39, F.S., after making a reasonable attempt to contact a responsible person.

No. 6 by Transportation

Adds Subsection (6) providing that a law enforcement officer who acts in good faith in carrying out subsections (1) and (3) will be immune from the civil liability that might otherwise result from his action.

No. 7 by Transportation

Title amendment.

The Committee on....Transportation....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Amendment

On page .1....., lines.22-23....., strike lines 22 and 23

If amendment is text from another bill insert:

| Bill No. | Draft No. | With Changes? | No | Yes |
|----------|-----------|---------------|----|-----|
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and insert:

for a period in excess of 15 minutes; however, no such person shall leave a child unattended for any period of time if the motor of the vehicle is running or the health of the child is in danger.

① adopted 3/6/85

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

 * Amendment No. 1, taken up by committee:3/6/85 Adopted x *
 * Offered by Senator W. D. Childers Failed _ *

 (Amendment No. ____ Adopted ____ Failed ____ Date __/__/__)

SENATE COMMITTEE AMENDMENT

SB 49

No. 2
(reported favorably)

HB _____

The Committee on....Transportation....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Amendment

On page .1....., line .29....., strike
line 29

If amendment is text from another bill insert:

| Bill No. | Draft No. | With Changes? | No - | Yes |
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and insert:

motor of the vehicle was running or the health of the child is in danger at the time of the

(2) adopted 3/6/85

18 1483

CODING: Words stricken are deletions; words underlined are additions.

 * Amendment No. 2, taken up by committee:3/6/85 Adopted x *
 * Offered by Senator W. D. Childers Failed _ *

 (Amendment No. ____ Adopted __ Failed __ Date __/__/__)

SENATE COMMITTEE AMENDMENT

SB 49

No. 3
(reported favorably)

HB _____

The Committee on....Transportation....recommended the following
amendment which was moved by Senator.....and adopted:
and failed:

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Amendment

On page .1....., line .20....., strike

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If amendment is text from another bill insert:

| Bill No. | Draft No. | With Changes? | No | Yes |
|----------|-----------|---------------|----|-----|
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and insert:

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*(3)
adopted
3/6/85*

CODING: Words stricken are deletions; words underlined are additions.

* Amendment No. 3, taken up by committee: 3/6/85 Adopted x *

* Offered by Senator Deratany Failed _ *

(Amendment No. _____ Adopted _____ Failed _____ Date __/__/__)

HB _____ DO NOT USE FELT TIP PEN TYPEWRITE IF POSSIBLE
Line numbers on amendment blank have no relation to line numbers on bills

Senator Kiser moved the following amendment which was adopted: which failed:

Amendment Title

On page 1, line 7 through 10, strike

- a all of these lines
- b
- c
- d
- e

If amendment is text from another bill insert:
Bill No. _____ Draft No. _____

and insert:

1 penalties, authorizing a uniformed law
 2 enforcement officer to take custody of
 3 a child who is unattended or unsupervised
 4 in a motor vehicle; providing for notification
 5 of the parent, legal guardian, or person
 6 responsible where the child is removed
 7 from the vicinity of the vehicle; providing
 8 for surrendering of the child to health
 9 and rehabilitative services when a person
 10 responsible can not be contacted; providing
 11 for the law enforcement officers immunity from
 12 civil liability; providing an effective date
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(Amendment No. _____ Adopted _____ Failed _____ Date _____)
(Scratch Sheet ONLY) SENATE AMENDMENT

HB _____ DO NOT USE FELT TIP PEN TYPEWRITE IF POSSIBLE
Line numbers on amendment blank have no relation to line numbers on bills

Senator Kiser moved the following
amendment which was adopted: which failed:

Amendment

On page 2 BETWEEN, lines 5 AND 6 ~~state~~

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If amendment is text from another bill insert:
Bill No. _____ Draft No. _____

and insert:

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2 (4) If the child is removed from the

3 immediate area notification should

4 be placed on the vehicle so that

5 the parent, legal guardian or

6 person responsible for the child will

7 know what has happened and where

8 the child may be found.

9 (5) After making a reasonable attempt

10 to contact the child's parent, legal

11 guardian or other person responsible

12 for the child and the ~~enforcement~~ law

13 enforcement officer is unable to do

14 so, then the child shall be removed

15 to the custody of the Department of

16 Health and Rehabilitative Services pursuant

17 to Chapter 39, Florida Statutes.

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19 *110 3/24/19* 50049/19-C

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(Amendment No. _____ Adopted _____ Failed _____ Date _____)
(Scratch Sheet ONLY) SENATE AMENDMENT

50049/19-C

SENATE AMENDMENT

Amendment Form Scratch sheet
SB 49

(Form S-1-scratch)

HB _____ DO NOT USE FELT TIP PEN TYPEWRITE IF POSSIBLE
Line numbers on amendment blank have no relation to line numbers on bills

Senator Heier moved the following
amendment which was adopted: which failed:

Amendment
On page 2 BETWEEN, line 5 & 6, ~~state~~

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| If amendment is text from another bill insert: | |
| Bill No. | Draft No. |

and insert:

- 1
- 2 (6) A uniformed law enforcement officer
- 3 who acts in good faith and exercises
- 4 his responsibility under the law
- 5 pursuant to subsections (1) and (3),
- 6 shall be immune from the civil
- 7 liability that otherwise might
- 8 result from his action.
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(Amendment No. _____ Adopted _____ Failed _____ Date _____)
(Scratch Sheet ONLY) SENATE AMENDMENT

HB _____ DO NOT USE FELT TIP PEN TYPEWRITE IF POSSIBLE
Line numbers on amendment blank have no relation to line numbers on bills

Senator Hess moved the following
..... amendment which was adopted: which failed:

Amendment

on page... 2 lineS... 3, 4, 5 strike

- a .. all of these lines
- b
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If amendment is text from another bill insert:
Bill No. _____ Draft No. _____

and insert:

- 1 .. provision of subsection (d) may use whatever
- 2 .. means as reasonably necessary to
- 3 .. protect the minor child and to
- 4 .. remove him from the vehicle.
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Handwritten initials and date: J.C. 11/2/19

50049/19-6

(Amendment No. _____ Adopted _____ Failed _____ Date _____)
(Scratch Sheet ONLY)

STORAGE NAME: BS HB 663/5

Date: 4/30/85
Revised: _____
Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION
STAFF ANALYSIS

BILL # HB 663 SPONSOR Reps. Irvine, Gordon & Jennings
EFFECTIVE DATE 10/1/85 IDEN/SIM BILLS SB 49
RELATING TO Leaving Children Unattended in a Motor Vehicle
OTHER COMMITTEES OF REFERENCE Appropriations

I. SUMMARY: This bill provides that leaving a child under 9 years of age unattended or unsupervised in a motor vehicle is a noncriminal traffic infraction.

There is currently no provision in the traffic control statute (Ch. 316) that prohibits the leaving of a child unattended in a motor vehicle.

The bill creates s. 316.6135, F.S. prohibiting the parent, legal guardian or other person responsible for a child under the age of 9 years from leaving the child unattended or unsupervised in a parked car for more than 5 minutes. If the vehicle's motor is running, the child may not be left unattended or unsupervised for any length of time. Any person violating this provision is guilty of a noncriminal traffic infraction and is subject to a fine of not more than \$100 or, if the vehicle's motor was running at the time of the violation, a fine of not less than \$50 or more than \$500.

Law enforcement officers who observe a violation of this provision are authorized to take custody of the child for the purpose of returning him to the parent, legal guardian, or other person responsible for the child.

II. ECONOMIC IMPACT:

A. Public: Those persons found to have violated the provisions of this bill will be subject to the established fines.

B. Government:

State: None

19 1938

Page 2
Bill #HB 663
Date: 4/30/85

Local: Local governments will receive the fines imposed on violators of the bill's provisions. The extent of these fines is not known.

III. COMMENTS:

IV. AMENDMENTS:

V. PREPARED BY: Bob Romig

VI. STAFF DIRECTOR: Bob Coqqins *RWC*

Journal
of the
S E N A T E
State of Florida

SEVENTEENTH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 2 THROUGH MAY 31, 1985



WHEREAS, Joe Kittinger also was shot down while flying an F-4 in combat during the Vietnam War and held captive in Hanoi for nearly a year, and

WHEREAS, he has received many decorations for his achievements as a military aviator, including the Silver Star with Oak Leaf Cluster, the Meritorious Service Medal, and the Purple Heart, and many civilian decorations, as well, and

WHEREAS, it is fitting that the Legislature honor such a man for his patriotism and spirit of adventure, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida

That Colonel Joseph W "Joe" Kittinger, Jr, is recognized for his outstanding accomplishments as a military and civilian aviator and balloonist, especially for his record-setting solo balloon flight from Maine to Italy and that April 16, 1985 is hereby proclaimed "Joe Kittinger Day."

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Colonel Joseph W "Joe" Kittinger, Jr, as a tangible token of the sentiments of the Florida Senate

—was taken up out of order by unanimous consent, read the second time in full and adopted The vote on adoption was

Yeas—39

| | | | |
|---------------|----------|-------------|-----------|
| Mr President | Fox | Johnson | Neal |
| Barron | Frank | Kirkpatrick | Peterson |
| Beard | Gersten | Kiser | Plummer |
| Carlucci | Gordon | Langley | Scott |
| Castor | Grant | Malchon | Stuart |
| Childers, D | Grizzle | Mann | Thomas |
| Childers, W D | Hair | Margolis | Thurman |
| Crawford | Hill | McPherson | Vogt |
| Deratany | Jenne | Meek | Weinstein |
| Dunn | Jennings | Myers | |

Nays—None

All Senators were recorded as co-introducers of SR 181.

Colonel Kittinger was escorted to the rostrum where he addressed the Senate briefly, and on behalf of the Rosie O'Grady Balloon Team, presented to the President a flag which had flown on Rosie O'Grady balloons for five years

The President recognized Representatives Crady, McEwan and Reddick

SB 228—A bill to be entitled An act relating to state personnel information, amending s. 110.116, FS, deleting the requirement that the Department of Administration furnish each state agency with periodic employee information reports, providing an effective date

—was read the second time by title On motion by Senator Dunn, by two-thirds vote SB 228 was read the third time by title, passed and certified to the House The vote on passage was

Yeas—37

| | | | |
|---------------|---------|-------------|-----------|
| Mr President | Fox | Kirkpatrick | Peterson |
| Barron | Frank | Kiser | Plummer |
| Beard | Gersten | Langley | Scott |
| Carlucci | Gordon | Malchon | Stuart |
| Castor | Grant | Mann | Thurman |
| Childers, D | Grizzle | Margolis | Vogt |
| Childers, W D | Hair | McPherson | Weinstein |
| Crawford | Hill | Meek | |
| Deratany | Jenne | Myers | |
| Dunn | Johnson | Neal | |

Nays—None

Vote after roll call

Yea—Jennings

Senator Langley presiding

SB 49—A bill to be entitled An act relating to traffic control, creating s. 316.6135, FS, prohibiting a parent, legal guardian, or other person responsible for a child from leaving the child unattended or unsupervised

in a motor vehicle, providing penalties, authorizing a law enforcement officer to take custody of a child who is unattended or unsupervised in a motor vehicle, providing an effective date

—was read the second time by title

The Committee on Transportation recommended the following amendments which were moved by Senator Kiser and adopted

Amendment 1—On page 1, strike all of lines 22 and 23 and insert. for a period in excess of 15 minutes, however, no such person shall leave a child unattended for any period of time if the motor of the vehicle is running or the health of the child is in danger

Amendment 2—On page 1, strike line 29 and insert. motor of the vehicle was running or the health of the child is in danger at the time of the

Amendment 3—On page 1, line 20, strike "9" and insert: 6

Amendment 4—On page 2, strike all of lines 3, 4 and 5 and insert violation of subsection (1) may use whatever means are reasonably necessary to protect the minor child and to remove him from the vehicle

The Committee on Transportation recommended the following amendment which was moved by Senator Kiser

Amendment 5—On page 2, between lines 5 and 6, insert.

(4) If the child is removed from the immediate area notification should be placed on the vehicle so that the parent, legal guardian or person responsible for the child will know what has happened and where the child may be found

(5) After making a reasonable attempt to contact the child's parent, legal guardian or other person responsible for the child and the law enforcement officer is unable to do so, then the child shall be remanded to the custody of the Department of Health and Rehabilitative Services pursuant to Chapter 39, Florida Statutes.

Senator Kiser moved the following substitute amendment which was adopted

Amendment 6—On page 2, between lines 5 and 6, insert

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

(5) The child shall be remanded to the custody of the Department of Health and Rehabilitative 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.

The Committee on Transportation recommended the following amendment which was moved by Senator Kiser and adopted

Amendment 7—In title, on page 1, strike all of lines 7-10 and insert. penalties, authorizing a law enforcement officer to take custody of a child who is unattended or unsupervised in a motor vehicle, providing for notification of the parent, legal guardian, or person responsible where the child is removed from the vicinity of the vehicle, provides for remanding of the child to the Department of Health and Rehabilitative Services when a person responsible can not be contacted, providing for the law enforcement officer's immunity from civil liability, providing an effective date

On motion by Senator Kiser, by two-thirds vote SB 49 as amended was read the third time by title, passed, ordered engrossed and then certified to the House The vote on passage was

Yeas—35

| | | | |
|---------------|-------------|-----------|-----------|
| Barron | Frank | Kiser | Peterson |
| Beard | Gersten | Langley | Plummer |
| Carlucci | Gordon | Malchon | Scott |
| Castor | Grant | Mann | Stuart |
| Childers, D | Grizzle | Margolis | Thomas |
| Childers, W D | Hair | McPherson | Thurman |
| Crawford | Jenne | Meek | Vogt |
| Deratany | Johnson | Myers | Weinstein |
| Fox | Kirkpatrick | Neal | |

Nays—None

Vote after roll call

Extract from
HISTORY OF LEGISLATION, 1985

(prepared by the Joint Legislative Management Committee
Legislative Information Division)

S 49 GENERAL BILL/ENG by Kiser (Similar H 663)

Traffic Control; prohibits parent, legal guardian, or other person responsible for a child, from leaving child unattended or unsupervised in a motor vehicle; provides penalties; authorizes law enforcement officer to take custody of child who is unattended or unsupervised in motor vehicle; provides for notification of parent, legal guardian, or person responsible where child is removed from vicinity of vehicle, etc. Creates 316.6135. Effective Date: 10/01/85.

12/11/84 SENATE Prefiled

12/18/84 SENATE Referred to Transportation

02/19/85 SENATE On Committee agenda—Transportation, 03/06/85, 9:00 am, Room C—Motion to reconsider

04/02/85 SENATE Introduced, referred to Transportation -SJ 27; On Committee agenda—Transportation, 04/03/85, 2:00 pm, Room C

04/03/85 SENATE Comm. Report: Favorable with 7 amendment(s) by Transportation, placed on Calendar -SJ 70

04/16/85 SENATE Placed on Special Order Calendar; Passed as amended; YEAS 35 NAYS 0 -SJ 115; Immediately certified -SJ 112

04/17/85 HOUSE In Messages

04/22/85 HOUSE Received, referred to Transportation; Appropriations -HJ 183

04/29/85 HOUSE On Committee agenda—Transportation, 05/01/85, 1:00 pm, 214C

05/01/85 HOUSE Preliminary Committee Report by Transportation: Favorable

05/02/85 HOUSE Comm. Report: Favorable by Transportation -HJ 243; Now in Appropriations

05/23/85 HOUSE On Committee agenda—Appropriations, 05/23/85, 1:15 pm, Morris Hall; Preliminary Committee Report by Appropriations: Favorable, to Calendar

05/24/85 HOUSE Comm. Report: Favorable by Appropriations, placed on Calendar -HJ 583

05/29/85 HOUSE Placed on Special Order Calendar

05/30/85 HOUSE Read second time; Read third time; Passed; YEAS 109 NAYS 2 -HJ 1041

05/30/85 Ordered enrolled -SJ 699

06/12/85 Signed by Officers and presented to Governor

06/19/85 Approved by Governor; Chapter No. 85-229

H 663 GENERAL BILL by Irvine; Gordon and others (Similar ENG/S 49)

Traffic Control; prohibits parent, legal guardian, or other person responsible for a child, from leaving child unattended or unsupervised in a motor vehicle; provides penalties; authorizes law enforcement officer to take custody of child who is unattended or unsupervised in motor vehicle. Creates 316.6135. Effective Date: 10/01/85.

03/27/85 HOUSE Prefiled

03/28/85 HOUSE Referred to Transportation; Appropriations

04/02/85 HOUSE Introduced, referred to Transportation; Appropriations -HJ 59

04/11/85 HOUSE On Committee agenda—Transportation, 04/15/85, 1:15 pm, 214C, for subreferral

04/15/85 HOUSE Subreferred to Subcommittee on Highway Safety and Motor Vehicles

04/29/85 HOUSE On Committee agenda—Transportation, 05/01/85, 1:00 pm, 214C—SB 49 recommended in lieu of HB 663

05/31/85 HOUSE Died in Committee on Transportation, Ident./Sim./ Compare bill passed, refer to SB 49 (Ch. 85-229)

By Representatives Irvine and Gordon

207-32-3-5

Publication was produced at single page in compliance with average cost of 1.5 cents, rules and for the information of members of the Legislature and the public.

1 A bill to be entitled, ~~207-32-3-5~~

2 An act relating to traffic control; creating s.

3 316.6135, F.S.; prohibiting a parent, legal

4 guardian, or other person responsible for a

5 child from leaving the child unattended or

6 unsupervised in a motor vehicle; providing

7 penalties; authorizing a law enforcement

8 officer to take custody of a child who is

9 unattended or unsupervised in a motor vehicle;

10 providing an effective date.

11

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

13

14 Section 1. Section 316.6135, Florida Statutes, is

15 created to read:

16 316.6135 Leaving children unattended or unsupervised

17 in motor vehicle; penalty; authority of law enforcement

18 officer.--

19 (1) No parent, legal guardian, or other person

20 responsible for a child younger than 9 years of age shall

21 leave such child unattended or unsupervised in a motor vehicle

22 for a period in excess of 5 minutes or, if the motor of the

23 motor vehicle is running, for any period of time.

24 (2) Any person who violates the provisions of

25 subsection (1) is guilty of a noncriminal traffic infraction,

26 punishable by a fine of:

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

28 (b) Not less than \$50 and not more than \$500 if the

29 motor of the motor vehicle was running at the time of the

30 violation.

31

1 (3) Any law enforcement officer who observes a child

2 left unattended or unsupervised in a motor vehicle in

3 violation of subsection (1) may take custody of the child for

4 the purpose of returning the child to the parent, legal

5 guardian, or other person responsible for the child.

6 Section 2. This act shall take effect October 1, 1985.

7

8

9 *****

10 SENATE SUMMARY

11 Provides that leaving a child under 9 years old

12 unattended or unsupervised in a motor vehicle is a

13 noncriminal traffic infraction. Authorizes a law

14 enforcement officer to remove the child from the vehicle.

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CODING: Words stricken are deletions; words underlined are additions.

CODING: Words in astutek through type are deletions from existing law, words underlined are additions.

By: Senator Kiser

19-143-85

A bill to be entitled

An act relating to traffic control; creating s. 316.6135, F.S.; prohibiting a parent, legal guardian, or other person responsible for a child from leaving the child unattended or unsupervised in a motor vehicle; providing penalties; authorizing a law enforcement officer to take custody of a child who is unattended or unsupervised in a motor vehicle; providing an effective date.

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

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

316.6135 Leaving children unattended or unsupervised in motor vehicle; penalty; authority of law enforcement officer.--

(1) No parent, legal guardian, or other person responsible for a child younger than 9 years of age shall leave such child unattended or unsupervised in a motor vehicle for a period in excess of 5 minutes or, if the motor of the motor vehicle is running, for any period of time.

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

(a) Not more than \$100; or

(b) Not less than \$50 and not more than \$500 if the motor of the motor vehicle was running at the time of the violation.

(3) Any law enforcement officer who observes a child left unattended or unsupervised in a motor vehicle in violation of subsection (1) may take custody of the child for the purpose of returning the child to the parent, legal guardian, or other person responsible for the child.

Section 2. This act shall take effect October 1, 1985.

SENATE SUMMARY

Provides that leaving a child under 9 years old unattended or unsupervised in a motor vehicle is a noncriminal traffic infraction. Authorizes a law enforcement officer to remove the child from the vehicle.

is publication of producer of an annual report of the Legislature and the Committee on Proposed Legislation to

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

| <u>ANALYST</u> | <u>STAFF DIRECTOR</u> | <u>REFERENCE</u> | <u>ACTION</u> |
|----------------|-----------------------|------------------|---------------|
| 1. Johnson | Christensen | 1. TR | _____ |
| 2. _____ | _____ | 2. _____ | _____ |
| 3. _____ | _____ | 3. _____ | _____ |

SUBJECT:

Child safety; prohibiting the leaving of a child unattended in an automobile

BILL NO. AND SPONSOR:

SB 49 by Senator Kiser

I. SUMMARY:

A. Present Situation:

Section 316.1975, F.S., requires the operator of a motor vehicle, other than a licensed vehicle making deliveries, to stop the engine, lock the ignition and remove the key before leaving his vehicle unattended. There is no current provision prohibiting the leaving of a child unattended in a motor vehicle.

18 1183

B. Effect of Proposed Changes:

The bill prohibits the parent, legal guardian or other person responsible for a child younger than nine from leaving the child unattended or unsupervised in a parked car for more than five minutes. If the motor vehicle's motor is running, the child may not be left unattended or unsupervised for any period of time. Law enforcement officers who observe a violation of the provisions of this bill are authorized to take custody of the child for the purpose of returning him to the parent, legal guardian, or other person responsible for the child. Any person violating the provisions of the bill is guilty of a noncriminal traffic infraction and is subject to a fine of not more than \$100 or, if the vehicle's motor was running at the time of the violation, a fine of not less than \$50 or more than \$500.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Those persons found to have violated the provisions of the bill will be subject to the fine set forth.

B. Government:

Local governments will receive the proceeds of the fines imposed for violations but the amount of such revenue is not known. The extent to which enforcement of the provisions of the bill will increase costs to law enforcement agencies is also not known.

III. COMMENTS:

The bill does not indicate how a determination of the five minute time period is to be made. A law enforcement officer could have to observe a child in a parked vehicle for the full five minute period before being able to take action.

REVISED: _____

BILL NO. SB 49

DATE: February 27, 1985

Page 2

IV. AMENDMENTS:

None.