

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 684

SPONSOR: Transportation Committee and Senator Diaz-Balart

SUBJECT: Traffic Control

DATE: April 26, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McAuliffe</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This CS defines the terms “unattended” and “unsupervised.” The CS amends s. 316.6135, F.S., creating a noncriminal penalty and fine of \$10 for persons who, for the first time, leave a child younger than 6 years of age unattended or unsupervised in a motor vehicle.

The CS also provides persons commit a misdemeanor of the first degree if they: (1) violate the prohibition and who have previously been found to have violated that prohibition; (2) leave a child unattended for any specified period of time if the motor of the vehicle is running; or (3) leave a child unattended and the health of the child is in danger.

This CS substantially amends section 316.6135 of the Florida Statutes.

II. Present Situation:

Section 316.6135, F.S., prohibits a parent, legal guardian, or other person responsible for a child younger than 6 years of age from leaving that child unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes, and prohibits such persons from leaving 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. A person who violates this provision is guilty of a noncriminal traffic infraction punishable by a fine of not more than \$100, or 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.

A law enforcement officer who observes a child left unattended or unsupervised in a motor vehicle may use whatever means are necessary to protect the minor child and to remove the child from the vehicle. Current law requires notice to be left on the vehicle if the law enforcement officer removes the child from the immediate area. In such cases, the child is to be remanded to the custody of the Department of Children and Family Services pursuant to Chapter 39, F.S., unless the law enforcement officer is able to locate the parents or legal guardian or other person responsible for the child.

III. Effect of Proposed Changes:

The CS amends s. 316.6135, F.S., creating a noncriminal penalty and fine of \$10 for persons who, for the first time, leave a child younger than 6 years of age unattended or unsupervised in a motor vehicle.

The CS defines “unattended” to mean the situation where a parent, legal guardian, or the person responsible for a child is outside of the motor vehicle, more than 10 feet from the child, and is unable to continuously observe that child. The CS defines “unsupervised” to mean the situation where no person older than 11 years of age remains in a motor vehicle with a child.

The CS removes the current fine provisions (\$100 or \$50-to-\$500) of s. 316.6135(2), F.S.

The CS creates a criminal penalty for persons who: (1) violate the prohibition and who have previously been found to have violated that prohibition; (2) leave a child unattended for any specified period of time if the motor of the vehicle is running; or (3) leave a child unattended and the health of the child is in danger. Such persons commit a misdemeanor of the first degree, punishable as provided in ss. 775.082 or 775.083, F.S., and will face a definite term of imprisonment not exceeding one year and a fine not to exceed \$1,000.

The CS clarifies a law enforcement officer may use whatever means necessary to protect a minor child or remove that child from a vehicle where the officer observes a violation of s. 316.6135, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The CS creates a noncriminal penalty and fine of \$10 for persons who leave a child younger than 6 years of age unattended or unsupervised in a motor vehicle. The CS further creates a criminal penalty for persons who violate the prohibition and who have previously been found to have violated that prohibition, or who leave a child unattended for any specified period of time if the motor of the vehicle is running or the health of the child is in danger. Such persons commit a misdemeanor of the first degree, punishable as provided in ss. 775.082 or 775.083, F.S., and will face a definite term of imprisonment not exceeding one year and a fine not to exceed \$1,000.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.