

By the Committee on Criminal Justice; and Senator Benacquisto

591-01276-16

2016308c1

1 A bill to be entitled

2 An act relating to unattended persons and animals in
3 motor vehicles; creating s. 768.139, F.S.; providing
4 definitions; providing immunity from civil liability
5 for entry into a motor vehicle to remove a person or
6 animal under certain circumstances; providing for
7 applicability; providing an effective date.

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

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

13 768.139 Rescue of vulnerable person or domestic animal from
14 a motor vehicle; immunity from civil liability.-

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

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

19 (b) "Motor vehicle" has the same meaning as provided in s.
20 320.01.

21 (c) "Vulnerable person" means:

22 1. A disabled adult as defined in s. 825.101(3).

23 2. An elderly person as defined in s. 825.101(4).

24 3. A minor.

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

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

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

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

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

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

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

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