

By the Committees on Judiciary; and Criminal Justice; and  
Senator Benacquisto

590-01779-16

2016308c2

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 related to the rescue  
6 of a person or an animal under certain circumstances;  
7 providing applicability; providing an effective date.  
8

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" has the same meaning as provided in  
22 s. 435.02.

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

28 (a) Determines the motor vehicle is locked or there is  
29 otherwise no reasonable method for the vulnerable person or

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30 domestic animal to exit the motor vehicle without assistance.

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

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

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

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

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

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