

CHAPTER 2024-226

Committee Substitute for Committee Substitute for House Bill No. 385

An act relating to the safe exchange of minor children; providing a short title; amending s. 61.13, F.S.; providing requirements for a parenting plan relating to the exchange of a child; creating s. 61.455, F.S.; requiring the court to order the parties in a parenting plan to exchange their child at a neutral safe exchange location or location authorized by a supervised visitation program under certain circumstances; amending s. 125.01, F.S.; requiring sheriffs to designate certain areas as neutral safe exchange locations; providing requirements for such areas; providing immunity from civil liability; amending s. 741.30, F.S.; revising the form for an injunction for protection against domestic violence; requiring court-ordered injunctions for protection against domestic violence to designate certain locations for the exchange of a child of the parties under certain circumstances; providing an effective date.

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

Section 1. This act may be cited as the “Cassie Carli Law.”

Section 2. Paragraph (b) of subsection (2) of section 61.13, Florida Statutes, is amended to read:

61.13 Support of children; parenting and time-sharing; powers of court.

(2)

(b) A parenting plan approved by the court must, at a minimum, do all of the following:

1. Describe in adequate detail how the parents will share and be responsible for the daily tasks associated with the upbringing of the child.;

2. Include the time-sharing schedule arrangements that specify the time that the minor child will spend with each parent.;

3. Designate who will be responsible for:

a. Any and all forms of health care. If the court orders shared parental responsibility over health care decisions, either parent may consent to mental health treatment for the child unless stated otherwise in the parenting plan.

b. School-related matters, including the address to be used for school-boundary determination and registration.

c. Other activities.;

4. Describe in adequate detail the methods and technologies that the parents will use to communicate with the child.

5. Unless otherwise agreed to by both parents in writing, designate authorized locations for the exchange of the child. The court may require the parents to exchange the child at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court finds that there is a risk or an imminent threat of harm to one party or the child during the exchange of the child, that such requirement is necessary to ensure the safety of a parent or the child, and that it is in the best interests of the child after consideration of all of the factors listed in subsection (3).

Section 3. Section 61.455, Florida Statutes, is created to read:

61.455 Court-ordered parenting plan; neutral safe exchange location or a location authorized by a supervised visitation program.—In any proceeding in which the court enters a parenting plan and time-sharing schedule, including in a modification proceeding, if the court finds that there is a risk or an imminent threat of harm to one party or a child during the exchange of the child and that it is in the best interests of the child after consideration of all of the factors specified in s. 61.13(3), the court may require the parties to exchange custody of the child at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01.

Section 4. Subsection (8) is added to section 125.01, Florida Statutes, to read:

125.01 Powers and duties.—

(8)(a) Each sheriff shall designate at least one parking lot at the sheriff's office, or a substation thereof, as a neutral safe exchange location at which parents who exercise time-sharing pursuant to a parenting plan or time-sharing schedule may meet to exchange the minor child.

(b) Each parking lot designated as a neutral safe exchange location must have a purple light or a sign on the parking lot premises to clearly identify the designated area as a neutral safe exchange location. The neutral safe exchange location must:

1. Be accessible 24 hours a day, 7 days a week;
2. Provide adequate lighting and an external video surveillance system that records continuously, 24 hours a day, 7 days a week; and
3. Provide at least one camera that is fixed on the parking lot, is able to record the area in the vicinity of the purple light or sign during both day and night, records images that clearly and accurately display the time and date, and retains video surveillance recordings or images for at least 45 days.

(c) A county, a sheriff, a law enforcement officer, or an employee of the designated safe exchange location is not liable for civil damages for any act or omission relating to an incident arising out of a meeting to exchange a minor child at a safe exchange location pursuant to this subsection.

Section 5. Paragraph (b) of subsection (3), paragraph (a) of subsection (5), and paragraphs (a) and (c) of subsection (6) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(3)

(b) The sworn petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner ... (Name)..., who has been sworn and says that the following statements are true:

(a) Petitioner resides at: ...(address)...

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: ...(last known address)...

(c) Respondent’s last known place of employment: ...(name of business and address)...

(d) Physical description of respondent:

Race.....

Sex.....

Date of birth.....

Height.....

Weight.....

Eye color.....

Hair color.....

Distinguishing marks or scars.....

(e) Aliases of respondent:

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent:

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt:

Case numbers should be included if available.

(h) Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has: ...(mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or visitation exchange)...

.....committed or threatened to commit domestic violence defined in s. 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another. With the exception of persons who are parents of a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

.....previously threatened, harassed, stalked, or physically abused the petitioner.

.....attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

.....threatened to conceal, kidnap, or harm the petitioner's child or children.

.....intentionally injured or killed a family pet.

.....used, or has threatened to use, against the petitioner any weapons such as guns or knives.

.....physically restrained the petitioner from leaving the home or calling law enforcement.

.....a criminal history involving violence or the threat of violence (if known).

.....another order of protection issued against him or her previously or from another jurisdiction (if known).

.....destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

.....engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

.....engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

(i) Petitioner alleges the following additional specific facts: ...(mark appropriate sections)...

.....A minor child or minor children reside with the petitioner whose names and ages are as follows:

.....Petitioner needs the exclusive use and possession of the dwelling that the parties share.

.....Petitioner is unable to obtain safe alternative housing because:

.....Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because:

(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: ...(mark appropriate section or sections)...

.....Immediately restraining the respondent from committing any acts of domestic violence.

.....Restraining the respondent from committing any acts of domestic violence.

.....Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

.....Providing a temporary parenting plan, including a temporary time-sharing schedule, with regard to the minor child or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party.

.....Designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if temporary time-sharing of the child is awarded to the respondent.

.....Establishing temporary support for the minor child or children or the petitioner.

.....Directing the respondent to participate in a batterers' intervention program.

.....Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(5)(a) If it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in s. 61.13, providing the petitioner a temporary parenting plan, including a time-sharing schedule, which may award the petitioner up to 100 percent of the time-sharing. If temporary time-sharing is awarded to the respondent, the exchange of the child must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court determines it is in the best interests of the child after consideration of all of the factors specified in s. 61.13(3). The temporary parenting plan remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

4. If the petitioner and respondent have an existing parenting plan or time-sharing schedule under another court order, designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court determines it is in the best interests of the child after consideration of all of the factors specified in s. 61.13(3).

5.4. Awarding to the petitioner the temporary exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the respondent to temporarily have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural purpose, as defined under s. 193.461, or to a service animal, as defined under s. 413.08, if the respondent is the service animal's handler.

(6)(a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in chapter 61, providing the petitioner with 100 percent of the time-sharing in a temporary parenting plan that remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

4. If the petitioner and respondent have an existing parenting plan or time-sharing schedule under another court order, designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court determines it is in the best interests of the child after consideration of all of the factors specified in s. 61.13(3).

5.4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner. An order of temporary support remains in effect until the order expires or an order is entered by a

court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting child support.

6.5. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of batterers' intervention programs from which the respondent must choose a program in which to participate.

7.6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.

8.7. Awarding to the petitioner the exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the respondent to have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural purpose, as defined under s. 193.461, or to a service animal, as defined under s. 413.08, if the respondent is the service animal's handler.

9.8. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

(c) The terms of an injunction restraining the respondent under subparagraph (a)1. or ordering other relief for the protection of the victim under subparagraph (a)9. ~~(a)8.~~ shall remain in effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. No specific allegations are required. Such relief may be granted in addition to other civil or criminal remedies.

Section 6. This act shall take effect July 1, 2024.

Approved by the Governor June 5, 2024.

Filed in Office Secretary of State June 5, 2024.