

By Senator Book

35-01309A-23

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1 A bill to be entitled
2 An act relating to designated public safe exchange
3 locations; amending s. 61.13, F.S.; requiring that
4 certain information be included in a parenting plan;
5 specifying that a parent may not be found in violation
6 of a parenting plan, time-sharing schedule, or child
7 exchange order, or charged with a certain offense,
8 under certain circumstances; amending s. 125.01, F.S.;
9 requiring boards of county commissioners to designate
10 certain areas as public safe exchange locations for a
11 specified purpose; providing requirements for such
12 areas; providing immunity; amending s. 787.03, F.S.;
13 providing that a parent of a child or the parent's
14 designee may not be charged with the offense of
15 interference with custody under certain circumstances;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (b) of subsection (2) of section
21 61.13, Florida Statutes, is amended, and subsection (10) is
22 added to that section, to read:

23 61.13 Support of children; parenting and time-sharing;
24 powers of court.—

25 (2)

26 (b) A parenting plan approved by the court must, at a
27 minimum, include all of the following information:

28 1. A detailed description of ~~Describe in adequate detail~~
29 how the parents will share and be responsible for the daily

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30 tasks associated with the upbringing of the child.~~†~~

31 2. ~~Include~~ The time-sharing schedule arrangements that
32 specify the time that the ~~minor~~ child will spend with each
33 parent. The parenting plan must state that at any time,
34 notwithstanding any provision in the agreed-upon parenting plan
35 or time-sharing schedule or order relating to the exchange of
36 the child, a parent or a parent's designee may choose to
37 exchange the child with the other parent or the other parent's
38 designee at a designated public safe exchange location as
39 provided in s. 125.01(8).~~†~~

40 3. A designation of ~~Designate~~ who will be responsible for
41 all of the following:

42 a. Any and all forms of health care. If the court orders
43 shared parental responsibility over health care decisions, the
44 parenting plan must provide that either parent may consent to
45 mental health treatment for the child.

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

48 c. Other activities.~~;~~ ~~and~~

49 4. A detailed description of ~~Describe in adequate detail~~
50 the methods and technologies that the parents will use to
51 communicate with the child.

52 (10) A parent may not be found in violation of his or her
53 parenting plan, time-sharing schedule, or child exchange order,
54 or charged with the offense of interference with the parenting
55 plan, time-sharing schedule, or child exchange order under s.
56 787.03, if the parent or the parent's designee chooses to use a
57 designated public safe exchange location to exchange custody of
58 his or her child instead of a location that was previously

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59 agreed to by both parents or stated in the parenting plan, time-
60 sharing schedule, or child exchange order.

61 Section 2. Subsection (8) is added to section 125.01,
62 Florida Statutes, to read:

63 125.01 Powers and duties.—

64 (8) (a) Each board of county commissioners shall designate
65 one or more sheriff's office or police department locations that
66 have staff on site 24-hours a day as a public safe exchange
67 location at which parents or parents' designees may meet to
68 exchange custody of a child. The designation must be based on
69 the population of the county, as follows: a minimum of one
70 location for a population of less than 50,000; a minimum of two
71 locations for a population of less than 75,000; and a minimum of
72 three locations for a population of more than 75,000.

73 (b) Each sheriff's office or police department designated
74 as a public safe exchange location shall install a purple light
75 on the outside of the building so the building is identifiable
76 as a designated public safe exchange location. The parking lot
77 of each public safe exchange location must be accessible 24
78 hours a day, 7 days a week, and each public safe exchange
79 location shall provide adequate lighting and an external video
80 surveillance system that records continuously, 24 hours a day, 7
81 days a week, and that meets all of the following criteria:

82 1. At least one camera is fixed on the entrance to the
83 premises and is able to record the area in the vicinity of the
84 purple light.

85 2. Records images clearly and such images accurately
86 display the time and date.

87 3. Retains video surveillance recordings or images for at

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88 least 6 months.

89 (c) A cause of action may not be brought against the
90 county, the sheriff, a county commissioner, or a law enforcement
91 officer or an employee of the designated public safe exchange
92 location based on an incident that occurs when a parent or
93 parent's designee meets at a public safe exchange location to
94 exchange custody of his or her child.

95 Section 3. Subsection (7) is added to section 787.03,
96 Florida Statutes, to read:

97 787.03 Interference with custody.—

98 (7) A parent of a child or the parent's designee may not be
99 charged with an offense under this section solely for using or
100 attempting to use a designated public safe exchange location as
101 provided in s. 125.01(8) to exchange custody of his or her child
102 instead of a location that was previously agreed to by both
103 parents or specified in a parenting plan, time-sharing schedule,
104 or child exchange order.

105 Section 4. This act shall take effect July 1, 2023.