

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1385 (2025)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Committee/Subcommittee hearing bill: Judiciary Committee  
Representative Aristide offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

**Section 1. Section 772.111, Florida Statutes, is created  
to read:**

772.111 Civil remedy for parental abduction.

(1) This act may be cited as the "Parental Abduction Act."

(2) DEFINITIONS.-As used in this section the term:

(a) "Parent" means a person who is entitled by court order  
to time-sharing with his or her child.

(b) "Child" means a minor child who is the subject of an  
order granting a parent a right to time-sharing or custody as  
provided under state law.

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16        (c) "Unlawful abduction" means a parent taking, detaining,  
17 concealing, or imprisoning a child without lawful authority or  
18 consent of the other parent to deprive a parent of time-sharing  
19 with a child.

20        (3) Any parent who proves by a preponderance of the  
21 evidence that there has been an unlawful abduction of a child by  
22 the other parent for more than 30 consecutive days, after the  
23 last day of lawful time-sharing, shall have a civil cause of  
24 action for treble the amount of actual damages sustained and, in  
25 any such action, is entitled to minimum damages in the amount of  
26 \$1,000, and reasonable attorney fees and costs in the trial and  
27 appellate courts.

28        (4) For purposes of subsection (3), the 30-day consecutive  
29 timeframe begins running at the beginning of the unlawful  
30 abduction and continues until the child is returned to the other  
31 parent, regardless of any subsequent lawfully scheduled time-  
32 sharing by the parent responsible for the unlawful abduction.

33        (5) It is an affirmative defense to this action if the  
34 defendant proves by a preponderance of the evidence that he or  
35 she has or has had reasonable cause to believe that his or her  
36 child is or has been in imminent danger of becoming a victim of  
37 an act of domestic violence as described in s. 741.28, or an act  
38 of sexual violence as defined in s. 784.046(1)(c), or an act of  
39 abuse, abandonment, or neglect, as those terms are defined in s.  
40 39.01, by the other parent.

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41       (6) The defendant is entitled to reasonable attorney fees  
42 and costs if the court finds that the plaintiff or plaintiff's  
43 attorney knew or should have known that a claim, when initially  
44 presented to the court or at any time before trial:

45       (a) Was not supported by the material facts necessary to  
46 establish the claim; or

47       (b) Would not be supported by the application of then-  
48 existing law to those material facts.

49       (7) A civil action filed under this act must be assigned  
50 to the family law division previously, or simultaneously,  
51 exercising jurisdiction over the underlying family law case.

52       (8) Notwithstanding s. 772.17, an action arising under  
53 this section may be commenced at any time within 2 years after  
54 the cause of action accrues; however, the period of limitation  
55 is tolled during any time in which the child is unlawfully  
56 abducted.

57       **Section 2.** This act shall take effect July 1, 2025.  
58  
59

60       -----  
61                   **T I T L E   A M E N D M E N T**

62       Remove everything before the enacting clause and insert:

63       An act relating to civil remedy for parental  
64       abduction; creating s. 772.111, F.S.; providing a  
65       short title; providing definitions; providing a civil

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66 |       cause of action if a minor is unlawfully abducted from  
67 |       a parent for a specified amount of time; authorizing  
68 |       reasonable attorney fees and costs for either party  
69 |       under certain circumstances; providing a standard of  
70 |       proof; providing affirmative defenses; requiring a  
71 |       specified court division to preside over such cause of  
72 |       action; providing an effective date.