

1 A bill to be entitled
2 An act relating to civil remedy for parental
3 abduction; creating s. 772.111, F.S.; providing a
4 short title; providing definitions; providing a civil
5 cause of action if a child is unlawfully abducted from
6 a parent for a specified amount of time; providing a
7 standard of proof and specified damages; authorizing
8 reasonable attorney fees and costs for either party
9 under certain circumstances; providing when a
10 specified timeframe begins; providing affirmative
11 defenses; requiring a specified court division to
12 preside over such cause of action; providing a statute
13 of limitations; tolling such statute of limitations
14 under certain circumstances; providing an effective
15 date.

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

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

21 772.111 Civil remedy for parental abduction.—

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

23 (2) As used in this section, the term:

24 (a) "Child" means a minor child who is the subject of an
25 order granting a parent of the child a right to time-sharing or

26 custody as provided under state law.

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

29 (c) "Unlawful abduction" means a parent taking, detaining,
30 concealing, or imprisoning his or her child without lawful
31 authority or consent of the other parent to deprive the other
32 parent of time-sharing with the child.

33 (3) A parent who proves by a preponderance of the evidence
34 that there has been an unlawful abduction of his or her child by
35 the other parent for more than 30 consecutive days after the
36 last day of lawful time-sharing has a civil cause of action for
37 treble the amount of actual damages sustained and, in any such
38 action, is entitled to minimum damages in the amount of \$1,000
39 and reasonable attorney fees and costs in the trial and
40 appellate courts.

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

46 (5) It is an affirmative defense to an action brought
47 under this section if the defendant proves by a preponderance of
48 the evidence that he or she has or has had reasonable cause to
49 believe that his or her child is or has been in imminent danger
50 of becoming a victim of an act of domestic violence as defined

51 in s. 741.28; an act of sexual violence as defined in s.
52 784.046(1)(c); or an act of abuse, abandonment, or neglect as
53 those terms are defined in s. 39.01, by the other parent.

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

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

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

62 (7) A civil action filed under this section must be
63 assigned to the family law division previously, or
64 simultaneously, exercising jurisdiction over the underlying
65 family law case.

66 (8) Notwithstanding s. 772.17, an action arising under
67 this section may be commenced at any time within 2 years after
68 the cause of action accrues. However, the 2-year period of
69 limitation is tolled during any time in which the child is
70 unlawfully abducted.

71 **Section 2.** This act shall take effect July 1, 2025.