

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to child welfare; providing a short
3 title; amending s. 39.01, F.S.; revising the
4 definitions of the terms "abuse" and "false report";
5 creating s. 39.0111, F.S.; specifying that every Child
6 Protection Team investigator employed by the
7 Department of Children and Families is required to
8 perform all specified duties; providing criminal
9 penalties; requiring the department to establish
10 procedures for reporting and investigating Child
11 Protection Team investigators who violate specified
12 provisions; requiring the department to report such
13 violations to the applicable law enforcement agency;
14 creating s. 39.01391, F.S.; requiring the department
15 to verify, and seek up-to-date and accurate records
16 of, the parenting plan or court-ordered custody
17 arrangement, if one exists, as part of every
18 investigation involving parents or guardians who
19 reside in separate households; requiring the
20 department to enforce parenting plans and custody
21 arrangements; requiring the department to verify that
22 specified rights are not being unlawfully denied and
23 that certain violations have not occurred; requiring
24 the department to report violations to the applicable
25 law enforcement agency; providing responsibilities of
26 the department relating to ambiguities in parenting
27 plans or court-ordered custody arrangements; amending
28 s. 39.201, F.S.; requiring that anonymous reports of
29 child abuse, abandonment, or neglect be subject to

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30 closer scrutiny than reports made by a person who
31 identifies himself or herself; prohibiting anonymous
32 reports from being afforded the same presumption of
33 good faith as reports made by a person who identifies
34 himself or herself; amending s. 39.205, F.S.;
35 requiring, rather than authorizing, the department to
36 immediately discontinue all investigative activities
37 under certain circumstances; specifying that a person
38 who makes a false report of child abuse, abandonment,
39 or neglect is not entitled to confidentiality under a
40 certain provision; deleting a provision providing
41 immunity from liability for a person who acts in good
42 faith in making a report; amending s. 39.206, F.S.;
43 expanding the circumstances under which the department
44 may impose fines on persons who make certain anonymous
45 reports; amending s. 39.301, F.S.; revising the
46 definition of the term "criminal conduct"; amending s.
47 61.046, F.S.; revising the definition of the term
48 "parenting plan" to include the requirement that
49 parenting plans include specified information;
50 creating s. 61.44, F.S.; requiring a law enforcement
51 officer to accompany and assist a parent or legal
52 guardian experiencing interference with custody in
53 locating the child and to enforce such parent's or
54 legal guardian's custody or visitation rights;
55 creating s. 61.5085, F.S.; defining the term
56 "emergency hearing"; requiring a court to grant an
57 emergency hearing upon making a specified finding;
58 requiring a court to set an emergency hearing within a

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59 specified timeframe after the filing of a motion
60 alleging that certain violations have occurred;
61 requiring that motions for emergency hearings be
62 supported by a certain affidavit or verified
63 statement; requiring the court to provide notice of
64 the emergency hearing; authorizing the court to issue
65 temporary orders at the emergency hearing; specifying
66 requirements for a full hearing; amending s. 402.56,
67 F.S.; requiring that the Children and Youth Cabinet
68 meet at least quarterly, rather than at least four
69 times each year; requiring the posting of specified
70 information on a public website managed by the office
71 of the Governor; expanding the membership of the
72 Children and Youth Cabinet to include a member
73 appointed by the citizen support organization for
74 Florida Missing Children's Day; requiring that the
75 Children and Youth Cabinet submit quarterly, rather
76 than annual, reports to the Governor, the Legislature,
77 and the public; providing requirements for the
78 reports; amending s. 402.57, F.S.; requiring the
79 Secretary of Children and Families to appoint to the
80 direct-support organization of the department the
81 director appointed to serve on the board by the
82 citizen support organization for Florida Missing
83 Children's Day; amending s. 683.23, F.S.; including
84 children missing due to family abduction or custody
85 interference among those remembered on Florida Missing
86 Children's Day; amending s. 683.231, F.S.; requiring
87 that the citizen support organization for Florida

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88 Missing Children's Day appoint one person to the
89 Children and Youth Cabinet, one person to the direct-
90 support organization of the department, and one person
91 to each judicial circuit's Family Law Advocacy Group;
92 amending s. 741.28, F.S.; revising the definition of
93 the term "domestic violence"; amending s. 741.29,
94 F.S.; specifying that if a family member unlawfully
95 takes or retains another family member who is a minor
96 or vulnerable adult, and denies another family
97 member's lawful right to custody or visitation of that
98 minor or vulnerable adult, he or she commits an act of
99 domestic violence; providing applicability; amending
100 s. 787.01, F.S.; clarifying a provision regarding
101 confinement of certain children as it relates to the
102 definition of the term "kidnapping"; making technical
103 changes; amending s. 787.03, F.S.; providing
104 legislative intent; revising the elements of the
105 offense of interference with custody; providing
106 criminal penalties; prohibiting law enforcement
107 officers from becoming involved in the merits of
108 certain disputes or with certain individuals'
109 preferences relating to custody or visitation rights;
110 authorizing law enforcement officers to locate certain
111 individuals and enforce parenting plans or court
112 orders; providing applicability; providing
113 requirements for law enforcement officers who
114 investigate alleged incidents of interference with
115 custody; providing requirements for a specified
116 notice; providing requirements for law enforcement

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117 officers when responding to alleged incidents of
118 interference with custody; requiring law enforcement
119 officers to produce a certain report; requiring that
120 the report include specified information; revising
121 defenses to the offense of interference with custody;
122 requiring law enforcement agencies to adopt certain
123 policies and procedures and create and implement
124 specified annual trainings; deleting provisions
125 relating to applicability; deleting a provision
126 relating to information protected from public records;
127 amending s. 827.03, F.S.; revising the definition of
128 the term "child abuse"; creating s. 1003.042, F.S.;
129 specifying that schools are responsible for and are
130 required to enforce and adhere to any parenting plan
131 or court order that specifies custody arrangements;
132 providing applicability; requiring schools to keep on
133 file up-to-date and accurate records of the parenting
134 plan or court order; specifying that parents or
135 guardians of a child must be given the opportunity to
136 provide the school with certain information; requiring
137 schools to verify the identity and custody rights of
138 any individual requesting to pick up a student from
139 school premises; requiring schools to establish and
140 implement clear policies to address and manage
141 situations where the parenting plan or court order may
142 be ambiguous; requiring schools to ensure that a child
143 is released only to the designated parent or guardian,
144 or to an individual explicitly authorized by the
145 parent or guardian who has custodial rights on that

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146 specific day as specified in the court order or
147 parenting plan; providing criminal penalties; amending
148 s. 61.45, F.S.; conforming a cross-reference; amending
149 s. 921.0022, F.S.; conforming a cross-reference;
150 conforming a provision to changes made by the act;
151 reenacting ss. 61.125(4)(b), 61.13(2)(c), 61.402(3),
152 95.11(8), 390.01114(2)(b), 393.067(4)(g), (7), and
153 (9), and 1001.42(8)(c), F.S., relating to parenting
154 coordination; support of children, parenting and time-
155 sharing, and powers of the court; qualifications of
156 guardians ad litem; limitations other than for the
157 recovery of real property; the definition of the term
158 "child abuse"; facility licensure; and powers and
159 duties of district school boards, respectively, to
160 incorporate the amendment made to s. 39.01, F.S., in
161 references thereto; reenacting s. 39.101(3)(a), F.S.,
162 relating to the central abuse hotline, to incorporate
163 the amendment made to s. 39.206, F.S., in a reference
164 thereto; providing an effective date.

165
166 Be It Enacted by the Legislature of the State of Florida:

167
168 Section 1. This act may be cited as the "Child Safety and
169 Custody Compliance Act."

170 Section 2. Subsections (2) and (27) of section 39.01,
171 Florida Statutes, are amended to read:

172 39.01 Definitions.—When used in this chapter, unless the
173 context otherwise requires:

174 (2) "Abuse" means any willful act or threatened act,

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175 defined by the nature of the act or threat rather than by its
 176 outcome, that results in any physical, mental, or sexual abuse,
 177 injury, or harm that causes or is likely to cause significant
 178 impairment to the child's physical, mental, or emotional health
 179 to be significantly impaired. In the context of abuse of a
 180 child, the term includes any direct or indirect action or
 181 omission that impacts the child's well-being, even if the action
 182 or omission does not result in actual injury. The term also
 183 ~~Abuse of a child~~ includes the birth of a new child into a family
 184 during the course of an open dependency case when the parent or
 185 caregiver has been determined to lack the protective capacity to
 186 safely care for the children in the home and has not
 187 substantially complied with the case plan towards successful
 188 reunification or met the conditions for return of the children
 189 into the home. The term includes a violation of s. 787.03,
 190 relating to interference with custody ~~Abuse of a child includes~~
 191 ~~acts or omissions.~~ Corporal discipline of a child by a parent or
 192 legal custodian for disciplinary purposes does not in itself
 193 constitute abuse when it does not result in harm to the child.

194 (27) "False report" means a report of abuse, neglect, or
 195 abandonment of a child to the central abuse hotline, which
 196 report is ~~maliciously made for the purpose of:~~

197 (a) Maliciously made for the purpose of:

- 198 1. Harassing, embarrassing, or harming another person;
 199 2. ~~(b)~~ Personal financial gain for the reporting person;
 200 3. ~~(e)~~ Acquiring custody of a child; or
 201 4. ~~(d)~~ Personal benefit for the reporting person in any
 202 other private dispute involving a child; or

203 (b) Willfully, or with severe recklessness or ignorance,

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204 made:

205 1. Without reasonable cause, lacking substantial evidence,
206 or due to a misunderstanding, lack of knowledge, or incomplete
207 information; or

208 2. Without a genuine purpose to protect the child from
209 abuse or neglect.

210

211 The term "~~false report~~" does not include a report of abuse,
212 neglect, or abandonment of a child made in good faith to the
213 central abuse hotline.

214 Section 3. Section 39.0111, Florida Statutes, is created to
215 read:

216 39.0111 Accountability of Child Protection Team
217 investigators.-

218 (1) Every Child Protection Team investigator employed by
219 the department must perform all duties required under this
220 chapter, including, but not limited to, the investigation of
221 reports of child abuse, abandonment, or neglect and the
222 verification of parenting plans or court-ordered custody
223 arrangements.

224 (2) Notwithstanding s. 39.011, any Child Protection Team
225 investigator who willfully fails to perform his or her duties
226 under this chapter commits a misdemeanor of the second degree,
227 punishable as provided in s. 775.082 or s. 775.083.

228 (3) The department shall establish procedures for reporting
229 and investigating Child Protection Team investigators who
230 violate this section, and the department shall report violations
231 of subsection (2) to the applicable law enforcement agency.

232 Section 4. Section 39.01391, Florida Statutes, is created

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233 to read:

234 39.01391 Department responsibilities regarding custody and
235 visitation.-

236 (1) VERIFICATION OF CUSTODY ARRANGEMENTS.-The department
237 must verify the parenting plan or court-ordered custody
238 arrangement, if one exists, as part of every investigation
239 involving parents or guardians who reside in separate
240 households, regardless of the nature of the initial complaint.
241 This verification is essential to ensure compliance with custody
242 and visitation orders and to address any violations of legal
243 protections for the child-parent relationship. The department
244 must seek an up-to-date and accurate record of the parenting
245 plan or court-ordered custody arrangement from either the family
246 or the clerk of the court.

247 (2) ENFORCEMENT OF PARENTING PLANS AND CUSTODY
248 ARRANGEMENTS.-The department shall ensure that a child is with
249 the parent who is lawfully responsible for the child on that
250 specific day as specified in the parenting plan or court-ordered
251 custody arrangement. Additionally, the department is responsible
252 for verifying that the child is not being unlawfully denied
253 access to a parent, that a parent is not being unlawfully denied
254 his or her custody or visitation rights to the child, and that a
255 violation of s. 741.29(8), s. 787.01, s. 787.03, or s. 827.03
256 has not occurred. This requirement applies in cases where
257 parents or guardians reside in separate households and share
258 custody of the child. Upon verifying a violation, the department
259 shall report violations to the applicable law enforcement
260 agency.

261 (3) ADDRESSING AMBIGUITIES.-If the department finds any

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262 ambiguities in reviewing the parenting plan or court-ordered
263 custody arrangement, the department is responsible for verifying
264 that the child is not being unlawfully denied access to a parent
265 or guardian. The department shall consult with the parents or
266 guardians to resolve any uncertainties regarding custody
267 arrangements to ensure the child's safety and proper custody and
268 visitation rights.

269 Section 5. Paragraph (b) of subsection (1) of section
270 39.201, Florida Statutes, is amended to read:

271 39.201 Required reports of child abuse, abandonment, or
272 neglect, sexual abuse of a child, and juvenile sexual abuse;
273 required reports of death; reports involving a child who has
274 exhibited inappropriate sexual behavior.—

275 (1) MANDATORY REPORTING.—

276 (b)1. A person from the general public may make a report to
277 the central abuse hotline anonymously if he or she chooses to do
278 so. However, an anonymous report must be more closely
279 scrutinized and may not be afforded the same presumption of good
280 faith as a report made by a person who identifies himself or
281 herself.

282 2. A person making a report to the central abuse hotline
283 whose occupation is in any of the following categories is
284 required to provide his or her name to the central abuse hotline
285 counselors:

286 a. Physician, osteopathic physician, medical examiner,
287 chiropractic physician, nurse, or hospital personnel engaged in
288 the admission, examination, care, or treatment of persons;

289 b. Health care professional or mental health professional
290 other than a person listed in sub-subparagraph a.;

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- 291 c. Practitioner who relies solely on spiritual means for
292 healing;
- 293 d. School teacher or other school official or personnel;
- 294 e. Social worker, day care center worker, or other
295 professional child care worker, foster care worker, residential
296 worker, or institutional worker;
- 297 f. Law enforcement officer;
- 298 g. Judge; or
- 299 h. Animal control officer as defined in s. 828.27(1)(b) or
300 agent appointed under s. 828.03.

301 Section 6. Subsections (8) and (9) of section 39.205,
302 Florida Statutes, are amended to read:

303 39.205 Penalties relating to reporting of child abuse,
304 abandonment, or neglect.—

305 (8) If the department or its authorized agent has
306 determined during the course of its investigation that a report
307 is a false report, the department must immediately ~~may~~
308 discontinue all investigative activities and must ~~shall~~, with
309 the consent of the alleged perpetrator, refer the report to the
310 local law enforcement agency having jurisdiction for an
311 investigation to determine whether sufficient evidence exists to
312 refer the case for prosecution for filing a false report as
313 defined in s. 39.01. During the pendency of the investigation,
314 the department must notify the local law enforcement agency of,
315 and the local law enforcement agency must respond to, all
316 subsequent reports concerning children in that same family in
317 accordance with s. 39.301. If the law enforcement agency
318 believes that there are indicators of abuse, abandonment, or
319 neglect, it must immediately notify the department, which must

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320 ensure the safety of the children. If the law enforcement agency
 321 finds sufficient evidence for prosecution for filing a false
 322 report, it must refer the case to the appropriate state attorney
 323 for prosecution.

324 (9) A person who knowingly and willfully makes a false
 325 report of child abuse, abandonment, or neglect, or who advises
 326 another to make a false report, is guilty of a felony of the
 327 third degree, punishable as provided in s. 775.082 or s.
 328 775.083. A person who is determined to have filed a false report
 329 of child abuse, abandonment, or neglect is not entitled to
 330 confidentiality pursuant to s. 39.206(9) ~~Anyone making a report~~
 331 ~~who is acting in good faith is immune from any liability under~~
 332 ~~this subsection.~~

333 Section 7. Subsection (1) of section 39.206, Florida
 334 Statutes, is amended to read:

335 39.206 Administrative fines for false report of abuse,
 336 abandonment, or neglect of a child; civil damages.—

337 (1) In addition to any other penalty authorized by this
 338 section, chapter 120, or other law, the department may impose a
 339 fine, not to exceed \$10,000 for each violation, upon a person
 340 who:

341 (a) Knowingly and willfully makes a false report of abuse,
 342 abandonment, or neglect of a child, or a person who counsels
 343 another to make a false report; or

344 (b) Makes an anonymous report with recklessness or
 345 negligence or in the absence of substantial evidence and genuine
 346 intent to protect the child.

347 Section 8. Subsection (2) of section 39.301, Florida
 348 Statutes, is amended to read:

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349 39.301 Initiation of protective investigations.—

350 (2)(a) The department shall immediately forward allegations
351 of criminal conduct to the municipal or county law enforcement
352 agency of the municipality or county in which the alleged
353 conduct has occurred.

354 (b) As used in this subsection, the term "criminal conduct"
355 means:

356 1. A child is known or suspected to be the victim of child
357 abuse, as defined in s. 827.03, or of neglect of a child, as
358 defined in s. 827.03.

359 2. A child is known or suspected to have died as a result
360 of abuse or neglect.

361 3. A child is known or suspected to be the victim of
362 aggravated child abuse, as defined in s. 827.03.

363 4. A child is known or suspected to be the victim of sexual
364 battery, as defined in s. 827.071, or of sexual abuse, as
365 defined in s. 39.01.

366 5. A child is known or suspected to be the victim of
367 institutional child abuse or neglect, as defined in s. 39.01,
368 and as provided for in s. 39.302(1).

369 6. A child is known or suspected to be the victim of
370 interference with custody in violation of s. 787.03.

371 7. A child is known or suspected to be a victim of human
372 trafficking, as provided in s. 787.06.

373 (c) Upon receiving a written report of an allegation of
374 criminal conduct from the department, the law enforcement agency
375 shall review the information in the written report to determine
376 whether a criminal investigation is warranted. If the law
377 enforcement agency accepts the case for criminal investigation,

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378 it shall coordinate its investigative activities with the
379 department, whenever feasible. If the law enforcement agency
380 does not accept the case for criminal investigation, the agency
381 shall notify the department in writing.

382 (d) The local law enforcement agreement required in s.
383 39.306 shall describe the specific local protocols for
384 implementing this section.

385 Section 9. Paragraph (a) of subsection (14) of section
386 61.046, Florida Statutes, is amended to read:

387 61.046 Definitions.—As used in this chapter, the term:

388 (14) "Parenting plan" means a document created to govern
389 the relationship between the parents relating to decisions that
390 must be made regarding the minor child and must contain a time-
391 sharing schedule for the parents and child. The issues
392 concerning the minor child may include, but are not limited to,
393 the child's education, health care, and physical, social, and
394 emotional well-being. In creating the plan, all circumstances
395 between the parents, including their historic relationship,
396 domestic violence, and other factors must be taken into
397 consideration.

398 (a) The parenting plan must ~~be~~:

399 1. Be developed and agreed to by the parents and approved
400 by a court; or

401 2. Be established by the court, with or without the use of
402 a court-ordered parenting plan recommendation, if the parents
403 cannot agree to a plan or the parents agreed to a plan that is
404 not approved by the court; and

405 3. Include the full text of s. 61.44, which requires a law
406 enforcement officer to accompany and assist a parent or legal

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407 guardian experiencing interference with custody in locating the
408 child and enforcing the parent's or legal guardian's custody or
409 visitation rights.

410 Section 10. Section 61.44, Florida Statutes, is created to
411 read:

412 61.44 Enforcement of parenting plan by law enforcement
413 officer.—A law enforcement officer shall accompany and assist a
414 parent or legal guardian experiencing interference with custody,
415 prohibited under s. 787.03, in locating the child and shall
416 enforce each parent's or legal guardian's custody or visitation
417 rights as specified in the agreed-upon parenting plan or court
418 order.

419 Section 11. Section 61.5085, Florida Statutes, is created
420 to read:

421 61.5085 Emergency hearings in custody and visitation
422 disputes.—

423 (1) DEFINITION.—As used in this section, the term
424 "emergency hearing" means a judicial proceeding scheduled and
425 conducted expeditiously to address matters requiring immediate
426 attention due to the potential for imminent or irreparable harm
427 to a child or vulnerable adult involved in a legal dispute. Such
428 hearings are intended to provide temporary relief until a full
429 hearing on the merits of the case can be conducted.

430 (2) CRITERIA.—A court must grant an emergency hearing upon
431 making a finding that:

432 (a) Due to a violation of s. 741.28 or s. 827.03, there is
433 a credible threat to the physical safety or emotional well-being
434 of a child or vulnerable adult;

435 (b) There is a risk of significant financial harm if

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436 immediate action is not taken; or

437 (c) A violation of s. 787.03, or a credible threat related
438 to interference with custody, has occurred.

439 (3) EMERGENCY HEARINGS.—The court shall set an emergency
440 hearing date within 3 business days after the filing of a motion
441 alleging that a violation has occurred as listed in subsection
442 (2).

443 (a) The motion for an emergency hearing must include an
444 affidavit or a verified statement detailing the facts
445 constituting the violation and justifying the need for immediate
446 judicial intervention, including, but not limited to:

447 1. Evidence of a violation of an existing court order
448 regarding custody or visitation; or

449 2. Specific actions taken by the alleged offending party
450 which constitute interference with an established custody or
451 visitation arrangement.

452 (b) The court shall provide notice of the emergency hearing
453 to all parties involved, ensuring that the notice period does
454 not delay the hearing beyond the 3-business-day requirement.

455 (c) At the emergency hearing, the court may issue temporary
456 orders to ensure the immediate safety and welfare of the child
457 or vulnerable adult, including, but not limited to:

458 1. Modifying a custody or visitation arrangement;

459 2. Ordering the immediate return of the child or vulnerable
460 adult to the lawful custodian; or

461 3. Implementing measures to prevent further interference,
462 such as a restraining order or supervised visitation.

463 (4) FULL HEARING.—A full hearing on the merits of the case
464 must be scheduled within 30 calendar days after the emergency

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465 hearing to allow for a thorough examination of the allegations
466 and to determine appropriate long-term custody or visitation
467 arrangements. Any temporary orders issued at the emergency
468 hearing remain in effect until modified by the court at the full
469 hearing.

470 Section 12. Paragraph (c) of subsection (3) and subsections
471 (4) and (7) of section 402.56, Florida Statutes, are amended to
472 read:

473 402.56 Children's cabinet; organization; responsibilities;
474 annual report.—

475 (3) ORGANIZATION.—There is created the Children and Youth
476 Cabinet, which is a coordinating council as defined in s. 20.03.

477 (c) The cabinet shall meet at least quarterly ~~four times~~
478 each year, but no more than six times each year, in different
479 regions of the state in order to solicit input from the public
480 and any other individual offering testimony relevant to the
481 issues considered. Each meeting must include a public comment
482 session. The time and location of each meeting must be posted at
483 least 30 days before the meeting date on a public website
484 managed by the office of the Governor and the posting must
485 include instructions for accessing the meeting remotely to
486 enable public participation.

487 (4) MEMBERS.—The cabinet shall consist of 17 ~~16~~ members,
488 including the Governor and the following persons:

489 (a)1. The Secretary of Children and Families;

490 2. The Secretary of Juvenile Justice;

491 3. The director of the Agency for Persons with
492 Disabilities;

493 4. A representative from the Division of Early Learning;

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- 494 5. The State Surgeon General;
- 495 6. The Secretary of Health Care Administration;
- 496 7. The Commissioner of Education;
- 497 8. The director of the Statewide Guardian Ad Litem Office;
- 498 9. A representative of the Office of Adoption and Child
- 499 Protection;
- 500 10. A superintendent of schools, appointed by the Governor;
- 501 ~~and~~
- 502 11. Five members who represent children and youth advocacy
- 503 organizations and who are not service providers, appointed by
- 504 the Governor; and
- 505 12. A member appointed by the citizen support organization
- 506 for Florida Missing Children's Day.
- 507 (b) The President of the Senate, the Speaker of the House
- 508 of Representatives, the Chief Justice of the Supreme Court, the
- 509 Attorney General, and the Chief Financial Officer, or their
- 510 appointed designees, shall serve as ex officio members of the
- 511 cabinet.
- 512 (c) The Governor or the Governor's designee shall serve as
- 513 the chair of the cabinet.
- 514 (d) Nongovernmental members of the cabinet shall serve
- 515 without compensation, but are entitled to receive per diem and
- 516 travel expenses in accordance with s. 112.061 while in
- 517 performance of their duties.
- 518 (7) QUARTERLY REPORTS ~~ANNUAL REPORT~~.—The Children and Youth
- 519 Cabinet shall, by February 1, May 1, August 1, and November 1 of
- 520 each year, provide a ~~an annual~~ report to the Governor, the
- 521 President of the Senate, the Speaker of the House of
- 522 Representatives, and the public concerning its activities and

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523 progress towards making this state the first place families
524 think of when asked, "Where do you ~~they~~ want to raise your ~~their~~
525 children?" Each quarterly report must be made publicly available
526 on a website managed by the office of the Governor and must ~~The~~
527 ~~annual report may~~ include recommendations for any needed
528 legislation or rulemaking authority.

529 Section 13. Paragraph (c) of subsection (1) of section
530 402.57, Florida Statutes, is amended to read:

531 402.57 Direct-support organizations.—

532 (1) DEPARTMENT OF CHILDREN AND FAMILIES.—The Department of
533 Children and Families is authorized to create a direct-support
534 organization, the sole purpose of which is to support the
535 department in carrying out its purposes and responsibilities.

536 (c) The Secretary of Children and Families shall appoint
537 the board of directors of the direct-support organization. The
538 board members shall be appointed according to the organization's
539 bylaws. One director must be the member appointed pursuant to s.
540 683.231(6) by the citizen support organization for Florida
541 Missing Children's Day.

542 Section 14. Section 683.23, Florida Statutes, is amended to
543 read:

544 683.23 Florida Missing Children's Day.—The second Monday in
545 September of each year is hereby designated as "Florida Missing
546 Children's Day" in remembrance of Florida's past and present
547 missing children, including children missing due to family
548 abduction or to interference with custody, and in recognition of
549 this ~~our~~ state's continued efforts to protect the safety of
550 children through prevention, education, and community
551 involvement.

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552 Section 15. Present subsections (6) and (7) of section
 553 683.231, Florida Statutes, are redesignated as subsections (8)
 554 and (9), respectively, and new subsections (6) and (7) are added
 555 to that section, to read:

556 683.231 Citizen support organization for Florida Missing
 557 Children's Day.—

558 (6) The citizen support organization shall appoint one
 559 person to the Children and Youth Cabinet as provided in s.
 560 402.56 and one person to be a member of the direct-support
 561 organization of the Department of Children and Families as
 562 provided in s. 402.57.

563 (7) The citizen support organization shall appoint one
 564 person to each judicial circuit's Family Law Advisory Group.

565 Section 16. Subsection (2) of section 741.28, Florida
 566 Statutes, is amended to read:

567 741.28 Domestic violence; definitions.—As used in ss.
 568 741.28-741.31:

569 (2) "Domestic violence" means any assault, aggravated
 570 assault, battery, aggravated battery, sexual assault, sexual
 571 battery, stalking, aggravated stalking, abduction, kidnapping,
 572 false imprisonment, or any criminal offense resulting in
 573 physical injury or death of one family or household member,
 574 including a minor or a vulnerable adult, by another family or
 575 household member.

576 Section 17. Subsection (8) is added to section 741.29,
 577 Florida Statutes, to read:

578 741.29 Domestic violence; investigation of incidents;
 579 notice to victims of legal rights and remedies; reporting.—

580 (8) If a family member unlawfully takes or retains another

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581 family member who is a minor or vulnerable adult, and denies
582 another family member's lawful right to custody or visitation of
583 that minor or vulnerable adult, he or she commits an act of
584 domestic violence. This subsection applies regardless of the
585 existence of a court order. Such offenses shall be addressed
586 under the appropriate injunction statutes, including s. 741.30
587 or s. 784.046.

588 Section 18. Subsection (1) of section 787.01, Florida
589 Statutes, is amended to read:

590 787.01 Kidnapping; kidnapping of child under age 13,
591 aggravating circumstances.-

592 (1) (a) As used in this section, the term "kidnapping" means
593 forcibly, secretly, or by threat confining, abducting, or
594 imprisoning another person against her or his will and without
595 lawful authority, with intent to:

596 1. Hold for ransom or reward or as a shield or hostage.

597 2. Commit or facilitate commission of any felony.

598 3. Inflict bodily harm upon or to terrorize the victim or
599 another person.

600 4. Interfere with the performance of any governmental or
601 political function.

602 (b) Confinement of a child under the age of 13 is against
603 her or his will within the meaning of this subsection if such
604 confinement is without the consent of all of her or his parents
605 ~~parent~~ or legal guardians ~~guardian~~.

606 Section 19. Section 787.03, Florida Statutes, is amended to
607 read:

608 787.03 Interference with custody; defenses; penalties.-

609 (1) It is the intent of the Legislature that interference

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610 with custody be treated as a criminal act rather than as a
611 private matter.

612 (2) An individual who, lacking legal authorization,
613 demonstrates willful or wanton disregard for a parent's or legal
614 guardian's rightful custody or visitation rights by engaging in
615 actions such as inviting, welcoming, accepting, concealing,
616 withholding, taking, or enticing, or by assisting, supporting,
617 hiring, or otherwise encouraging ~~Whoever, without lawful~~
618 ~~authority, knowingly or recklessly takes or entices, or aids,~~
619 ~~abets, hires, or otherwise procures~~ another to invite, welcome,
620 accept, conceal, withhold, take, or entice, a ~~any~~ minor or an
621 ~~any~~ incompetent person from the custody of the minor's or
622 incompetent person's parent, his or her legal guardian, a public
623 agency having the lawful charge of the minor or incompetent
624 person, or any other lawful custodian, thereby denying the
625 parent or legal guardian his or her lawful custody or visitation
626 rights, commits the offense of interference with custody and
627 commits a felony of the third degree, punishable as provided in
628 s. 775.082, s. 775.083, or s. 775.084.

629 (3)~~(2)~~ Regardless of the existence of an agreed-upon
630 parenting plan or ~~In the absence of~~ a court order determining
631 rights to custody or visitation with a ~~any~~ minor or an ~~with any~~
632 incompetent person, a ~~any~~ parent or legal guardian of the minor
633 or incompetent person, ~~whether natural or adoptive, stepparent,~~
634 legal guardian, or relative of the minor or incompetent person
635 who has custody thereof and who does any of the following
636 commits the offense of interference with custody, a felony of
637 the third degree, punishable as provided in s. 775.082, s.
638 775.083, or s. 775.084:

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639 (a) Conceals, withholds, takes, detains, ~~conceals,~~ or
640 entices away the ~~that~~ minor or incompetent person within or
641 outside this ~~without the~~ state;

642 (b) Interferes with the other parent's or legal guardian's
643 ability to communicate with the minor or incompetent person
644 through telephone calls, text messages, or other forms of
645 electronic communication;

646 (c) Engages in behaviors aimed at undermining the
647 relationship between the minor or incompetent person and the
648 other parent or legal guardian;

649 (d) Engages in behaviors that disrupt scheduled visitation
650 or parenting time with the other parent or legal guardian; or

651 (e) Makes a false allegation or report to authorities, such
652 as accusing the other parent or legal guardian of abuse or
653 neglect, with willful or wanton disregard for the other parent's
654 or legal guardian's rightful custody or visitation rights in an
655 attempt to disrupt such rights ~~malicious intent to deprive~~
656 another person of his or her right to custody of the minor or
657 incompetent person commits a felony of the third degree,
658 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

659 (4)~~(3)~~ Law enforcement officers may not become involved in
660 the merits of a dispute or with a minor's or incompetent
661 person's preferences relating to custody or visitation rights.
662 Law enforcement officers are authorized to locate a minor or
663 incompetent person and enforce each parent's or legal guardian's
664 agreed-upon parenting plan or a court order ~~A subsequently~~
665 obtained court order for custody or visitation does not affect
666 application of this section.

667 (5)~~(4)~~ The offenses described in subsections (2) and (3)

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668 apply regardless of whether a subsequent court order is obtained
669 for custody or visitation; however, the offenses described in
670 subsections (2) and (3) do not apply if a court determines that
671 there is an immediate and evident threat of domestic violence as
672 defined in s. 741.28 and issues an injunction for protection
673 against domestic violence.

674 (6) A law enforcement officer who investigates an alleged
675 incident of interference with custody shall obtain a written
676 statement from the victim and witnesses concerning the alleged
677 incident of interference with custody and immediately give the
678 victim notice of the legal rights and remedies available on a
679 standard form developed and distributed by the Department of Law
680 Enforcement. The notice must include the following statement:

681
682 "If you are the victim of interference with custody, you have
683 the right to ask the state attorney to file a criminal
684 complaint. You also have the right to go to court and file a
685 petition requesting an injunction for protection from domestic
686 violence which may include, but need not be limited to,
687 provisions that restrain the abuser from further acts of abuse;
688 that award you custody of your minor child or children or an
689 incompetent person; or that direct the abuser to pay support to
690 you and the minor child or children or incompetent person or
691 persons if the abuser has a legal obligation to do so."

692 (7) In an alleged incident of interference with custody, if
693 the responding law enforcement officer believes that probable
694 cause does not exist, the officer may not make an arrest.
695 However, the law enforcement officer shall advise the
696 complainant of his or her right to have the case reviewed by the

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697 state attorney's office by providing the complainant with a
698 nonarrest probable cause affidavit that he or she may file with
699 the state attorney's office. Regardless of whether an arrest is
700 made, the law enforcement officer shall produce a written report
701 that clearly indicates that the alleged offense was a case of
702 alleged interference with custody, and shall give the report to
703 his or her supervisor and file it with the law enforcement
704 agency in a manner that will allow data on interference with
705 custody cases to be compiled. Such report must include a copy of
706 the entire text of this section and all of the following
707 information:

708 (a) The ages and relationships of the minor children or
709 incompetent persons and adults involved in the alleged incident
710 of interference with custody.

711 (b) A copy of the agreed-upon parenting plan or court
712 order, or a statement acknowledging the absence of such a plan
713 or order, along with the law enforcement officer's evaluation of
714 each parent's or legal guardian's rights to custody or
715 visitation based on the law enforcement officer's review of the
716 agreed-upon parenting plan or court order.

717 (c) A statement by the law enforcement officer stating the
718 grounds for arresting or declining to arrest any individual
719 named in the alleged incident of interference with custody.

720 (d) A statement by the law enforcement officer indicating
721 that he or she provided the victim or the complainant with a
722 copy of the notice required under subsection (6) and an
723 explanation of the process for filing a nonarrest probable cause
724 affidavit with the state attorney's office.

725 (8) It is a defense to a violation of this section that:

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726 (a) The defendant had reasonable cause to believe that his
727 or her action was necessary to preserve the minor or the
728 incompetent person from danger to his or her welfare.

729 (b) The defendant ~~was the victim of an act of domestic~~
730 ~~violence or~~ had reasonable cause to believe that he or she was
731 about to become the victim of an act of domestic violence as
732 defined in s. 741.28, and the defendant had reasonable cause to
733 believe that the action was necessary in order for the defendant
734 to escape from, or protect himself or herself from, the domestic
735 violence or to preserve the minor or incompetent person from
736 exposure to the domestic violence.

737 (c) Without knowledge of an agreed-upon parenting plan or a
738 court order, the minor or incompetent person was taken away at
739 his or her own instigation without enticement and without
740 purpose to commit a criminal offense with or against the minor
741 or incompetent person, and the defendant establishes that it was
742 reasonable to rely on the instigating acts of the minor or
743 incompetent person.

744 (9) ~~(5)~~ Proof that a person has not attained ~~the age of~~ 18
745 years of age creates the presumption that the defendant knew the
746 minor's age or acted in reckless disregard thereof.

747 (10) Each law enforcement agency shall adopt written
748 policies and procedures for addressing cases of interference
749 with custody and shall create and implement annual training for
750 all law enforcement personnel and victim advocates.

751 ~~(6)(a) The offenses prescribed in subsections (1) and (2)~~
752 ~~do not apply in cases in which a person having a legal right to~~
753 ~~eustody of a minor or incompetent person is the victim of any~~
754 ~~act of domestic violence, has reasonable cause to believe he or~~

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755 ~~she is about to become the victim of any act of domestic~~
756 ~~violence, as defined in s. 741.28, or believes that his or her~~
757 ~~action was necessary to preserve the minor or the incompetent~~
758 ~~person from danger to his or her welfare and seeks shelter from~~
759 ~~such acts or possible acts and takes with him or her the minor~~
760 ~~or incompetent person.~~

761 ~~(b) In order to gain the exception conferred by paragraph~~
762 ~~(a), a person who takes a minor or incompetent person under this~~
763 ~~subsection must:~~

764 ~~1. Within 10 days after taking the minor or incompetent~~
765 ~~person, make a report to the sheriff's office or state~~
766 ~~attorney's office for the county in which the minor or~~
767 ~~incompetent person resided at the time he or she was taken,~~
768 ~~which report must include the name of the person taking the~~
769 ~~minor or incompetent person, the current address and telephone~~
770 ~~number of the person and minor or incompetent person, and the~~
771 ~~reasons the minor or incompetent person was taken.~~

772 ~~2. Within a reasonable time after taking a minor, commence~~
773 ~~a custody proceeding that is consistent with the federal~~
774 ~~Parental Kidnapping Prevention Act, 28 U.S.C. s. 1738A, or the~~
775 ~~Uniform Child Custody Jurisdiction and Enforcement Act, ss.~~
776 ~~61.501-61.542.~~

777 ~~3. Inform the sheriff's office or state attorney's office~~
778 ~~for the county in which the minor or incompetent person resided~~
779 ~~at the time he or she was taken of any change of address or~~
780 ~~telephone number of the person and the minor or incompetent~~
781 ~~person.~~

782 ~~(c)1. The current address and telephone number of the~~
783 ~~person and the minor or incompetent person which are contained~~

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784 ~~in the report made to a sheriff or state attorney under~~
785 ~~paragraph (b) are confidential and exempt from s. 119.07(1) and~~
786 ~~s. 24(a), Art. I of the State Constitution.~~

787 ~~2. A sheriff or state attorney may allow an agency, as~~
788 ~~defined in s. 119.011, to inspect and copy records made~~
789 ~~confidential and exempt under this paragraph in the furtherance~~
790 ~~of that agency's duties and responsibilities.~~

791 Section 20. Paragraph (b) of subsection (1) of section
792 827.03, Florida Statutes, is amended to read:

793 827.03 Abuse, aggravated abuse, and neglect of a child;
794 penalties.-

795 (1) DEFINITIONS.-As used in this section, the term:

796 (b) "Child abuse" means:

797 1. Intentional infliction of physical or mental injury upon
798 a child;

799 2. An intentional act that could reasonably be expected to
800 result in physical or mental injury to a child; ~~or~~

801 3. Active encouragement of any person to commit an act that
802 results or could reasonably be expected to result in physical or
803 mental injury to a child; or

804 4. A violation of s. 787.03, relating to interference with
805 custody.

806 Section 21. Section 1003.042, Florida Statutes, is created
807 to read:

808 1003.042 Verification and responsibility of custody
809 agreements.-

810 (1) CUSTODY ARRANGEMENTS.-Schools are responsible for and
811 are required to enforce and adhere to any parenting plan or
812 court order that specifies custody arrangements, including the

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813 designated parent or guardian for student pickup. This
814 requirement applies in cases where parents or guardians reside
815 in separate households and share custody of a child. Schools
816 must keep on file an up-to-date and accurate record of the
817 parenting plan or court order.

818 (2) AUTHORIZATION LISTS.—The parents or guardians of a
819 child must be given the opportunity to provide the school with
820 their respective lists of authorized individuals who are
821 permitted to pick up the child during their time-sharing. These
822 lists must include the names and contact information of
823 authorized persons for each parent or guardian.

824 (3) VERIFICATION OF IDENTITY AND CUSTODY RIGHTS.—Schools
825 must verify the identity and custody rights of any individual
826 requesting to pick up a student from school premises. The school
827 may release the child only to an individual on the provided list
828 for the parent or guardian who has custodial rights on that
829 specific day as specified in the parenting plan or court order.

830 (4) ADDRESSING AMBIGUITIES.—Schools must establish and
831 implement clear policies to address and manage situations in
832 which the parenting plan or court order may be ambiguous.
833 Schools must consult with the parents or guardians of a child to
834 resolve any uncertainties regarding custody arrangements or
835 pick-up permissions.

836 (5) ENSURING SAFE RELEASE.—The school must ensure that the
837 child is released only to the designated parent or guardian, or
838 to an individual explicitly authorized by the parent or guardian
839 who has custodial rights on that specific day as specified in
840 the parenting plan or court order. The unauthorized release of a
841 student, in violation of this requirement, may result in

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842 prosecution under s. 787.03. An individual who releases a
843 student to anyone other than the designated parent or guardian
844 or an authorized individual when the school has on file a
845 parenting plan or court order commits a misdemeanor of the first
846 degree, punishable as provided in s. 775.082 or s. 775.083.

847 Section 22. Subsection (7) of section 61.45, Florida
848 Statutes, is amended to read:

849 61.45 Court-ordered parenting plan; risk of violation;
850 bond.—

851 (7) (a) Upon a material violation of any parenting plan by
852 removing a child from this state or country or by concealing the
853 whereabouts of a child, the court may order the bond or other
854 security forfeited in whole or in part.

855 (b) This section, including the requirement to post a bond
856 or other security, does not apply to a parent who, in a
857 proceeding to order or modify a parenting plan or time-sharing
858 schedule, is determined by the court to be a victim of an act of
859 domestic violence or provides the court with reasonable cause to
860 believe that he or she is about to become the victim of an act
861 of domestic violence, as defined in s. 741.28. An injunction for
862 protection against domestic violence issued pursuant to s.
863 741.30 for a parent as the petitioner which is in effect at the
864 time of the court proceeding shall be one means of demonstrating
865 sufficient evidence that the parent is a victim of domestic
866 violence or is about to become the victim of an act of domestic
867 violence, as defined in s. 741.28, and shall exempt the parent
868 from this section, including the requirement to post a bond or
869 other security. A parent who is determined by the court to be
870 exempt from the requirements of this section must meet the

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871 requirements of s. 787.03(5) ~~s. 787.03(6)~~ if an offense of
 872 interference with the parenting plan or time-sharing schedule is
 873 committed.

874 Section 23. Paragraph (d) of subsection (3) of section
 875 921.0022, Florida Statutes, is amended to read:

876 921.0022 Criminal Punishment Code; offense severity ranking
 877 chart.—

878 (3) OFFENSE SEVERITY RANKING CHART

879 (d) LEVEL 4

880

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or

881

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delivery, or possession
with intent to sell,
contraband prescription
drugs.

884

517.07(1)

3rd

Failure to register
securities.

885

517.12(1)

3rd

Failure of dealer or
associated person of a
dealer of securities to
register.

886

784.031

3rd

Battery by
strangulation.

887

784.07(2)(b)

3rd

Battery of law
enforcement officer,
firefighter, etc.

888

784.074(1)(c)

3rd

Battery of sexually
violent predators
facility staff.

889

784.075

3rd

Battery on detention or
commitment facility
staff.

890

784.078

3rd

Battery of facility

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employee by throwing,
tossing, or expelling
certain fluids or
materials.

891

784.08 (2) (c)

3rd

Battery on a person 65
years of age or older.

892

784.081 (3)

3rd

Battery on specified
official or employee.

893

784.082 (3)

3rd

Battery by detained
person on visitor or
other detainee.

894

784.083 (3)

3rd

Battery on code
inspector.

895

784.085

3rd

Battery of child by
throwing, tossing,
projecting, or expelling
certain fluids or
materials.

896

787.03 (2)

~~787.03 (1)~~

3rd

Interference with
custody; wrongly takes
minor or incompetent
person from parent or
~~appointed~~ guardian.

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897

787.04 (2)

3rd

Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

898

787.04 (3)

3rd

Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

899

787.07

3rd

Human smuggling.

900

790.115 (1)

3rd

Exhibiting firearm or weapon within 1,000 feet of a school.

901

790.115 (2) (b)

3rd

Possessing electric weapon or device, destructive device, or other weapon on school property.

902

790.115 (2) (c)

3rd

Possessing firearm on school property.

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903

794.051 (1)

3rd

Indecent, lewd, or lascivious touching of certain minors.

904

800.04 (7) (c)

3rd

Lewd or lascivious exhibition; offender less than 18 years.

905

806.135

2nd

Destroying or demolishing a memorial or historic property.

906

810.02 (4) (a)

3rd

Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

907

810.02 (4) (b)

3rd

Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

908

810.06

3rd

Burglary; possession of tools.

909

810.08 (2) (c)

3rd

Trespass on property,

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armed with firearm or
dangerous weapon.

910

810.145 (3) (b)

3rd

Digital voyeurism
dissemination.

911

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree
\$10,000 or more but less
than \$20,000.

912

812.014
(2) (c) 4. &
6.-10.

3rd

Grand theft, 3rd degree;
specified items.

913

812.014 (2) (d) 2.

3rd

Grand theft, 3rd degree;
\$750 or more taken from
dwelling or its
unenclosed curtilage.

914

812.014 (2) (e) 3.

3rd

Petit theft, 1st degree;
less than \$40 taken from
dwelling or its
unenclosed curtilage
with two or more prior
theft convictions.

915

812.0195 (2)

3rd

Dealing in stolen
property by use of the
Internet; property

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stolen \$300 or more.

916

817.505 (4) (a)

3rd

Patient brokering.

917

817.563 (1)

3rd

Sell or deliver
substance other than
controlled substance
agreed upon, excluding
s. 893.03(5) drugs.

918

817.568 (2) (a)

3rd

Fraudulent use of
personal identification
information.

919

817.5695 (3) (c)

3rd

Exploitation of person
65 years of age or
older, value less than
\$10,000.

920

817.625 (2) (a)

3rd

Fraudulent use of
scanning device,
skimming device, or
reencoder.

921

817.625 (2) (c)

3rd

Possess, sell, or
deliver skimming device.

922

828.125 (1)

2nd

Kill, maim, or cause
great bodily harm or

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permanent breeding
 disability to any
 registered horse or
 cattle.

923

836.14 (2)

3rd

Person who commits theft
 of a sexually explicit
 image with intent to
 promote it.

924

836.14 (3)

3rd

Person who willfully
 possesses a sexually
 explicit image with
 certain knowledge,
 intent, and purpose.

925

837.02 (1)

3rd

Perjury in official
 proceedings.

926

837.021 (1)

3rd

Make contradictory
 statements in official
 proceedings.

927

838.022

3rd

Official misconduct.

928

839.13 (2) (a)

3rd

Falsifying records of an
 individual in the care
 and custody of a state
 agency.

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929

839.13 (2) (c)

3rd

Falsifying records of
the Department of
Children and Families.

930

843.021

3rd

Possession of a
concealed handcuff key
by a person in custody.

931

843.025

3rd

Deprive law enforcement,
correctional, or
correctional probation
officer of means of
protection or
communication.

932

843.15 (1) (a)

3rd

Failure to appear while
on bail for felony (bond
estreature or bond
jumping).

933

843.19 (2)

2nd

Injure, disable, or kill
police, fire, or SAR
canine or police horse.

934

847.0135 (5) (c)

3rd

Lewd or lascivious
exhibition using
computer; offender less
than 18 years.

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935
936
937
938
939
940
941
942

870.01 (3)	2nd	Aggravated rioting.
870.01 (5)	2nd	Aggravated inciting a riot.
874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
914.14 (2)	3rd	Witnesses accepting bribes.
914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
916.1085	3rd	Introduction of

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(2) (c) 1.

specified contraband
into certain DCF
facilities.

943

918.12

3rd

Tampering with jurors.

944

934.215

3rd

Use of two-way
communications device to
facilitate commission of
a crime.

945

944.47 (1) (a) 6.

3rd

Introduction of
contraband (cellular
telephone or other
portable communication
device) into
correctional
institution.

946

951.22 (1) (h) ,
(j) & (k)

3rd

Intoxicating drug,
instrumentality or other
device to aid escape, or
cellular telephone or
other portable
communication device
introduced into county
detention facility.

947

948

Section 24. For the purpose of incorporating the amendment

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949 made by this act to section 39.01, Florida Statutes, in a
950 reference thereto, paragraph (b) of subsection (4) of section
951 61.125, Florida Statutes, is reenacted to read:

952 61.125 Parenting coordination.—

953 (4) DOMESTIC VIOLENCE ISSUES.—

954 (b) In determining whether there has been a history of
955 domestic violence, the court shall consider whether a party has
956 committed an act of domestic violence as defined s. 741.28, or
957 child abuse as defined in s. 39.01, against the other party or
958 any member of the other party's family; engaged in a pattern of
959 behaviors that exert power and control over the other party and
960 that may compromise the other party's ability to negotiate a
961 fair result; or engaged in behavior that leads the other party
962 to have reasonable cause to believe he or she is in imminent
963 danger of becoming a victim of domestic violence. The court
964 shall consider and evaluate all relevant factors, including, but
965 not limited to, the factors listed in s. 741.30(6)(b).

966 Section 25. For the purpose of incorporating the amendment
967 made by this act to section 39.01, Florida Statutes, in a
968 reference thereto, paragraph (c) of subsection (2) of section
969 61.13, Florida Statutes, is reenacted to read:

970 61.13 Support of children; parenting and time-sharing;
971 powers of court.—

972 (2)

973 (c) The court shall determine all matters relating to
974 parenting and time-sharing of each minor child of the parties in
975 accordance with the best interests of the child and in
976 accordance with the Uniform Child Custody Jurisdiction and
977 Enforcement Act, except that modification of a parenting plan

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978 and time-sharing schedule requires a showing of a substantial
979 and material change of circumstances.

980 1. It is the public policy of this state that each minor
981 child has frequent and continuing contact with both parents
982 after the parents separate or the marriage of the parties is
983 dissolved and to encourage parents to share the rights and
984 responsibilities, and joys, of childrearing. Unless otherwise
985 provided in this section or agreed to by the parties, there is a
986 rebuttable presumption that equal time-sharing of a minor child
987 is in the best interests of the minor child. To rebut this
988 presumption, a party must prove by a preponderance of the
989 evidence that equal time-sharing is not in the best interests of
990 the minor child. Except when a time-sharing schedule is agreed
991 to by the parties and approved by the court, the court must
992 evaluate all of the factors set forth in subsection (3) and make
993 specific written findings of fact when creating or modifying a
994 time-sharing schedule.

995 2. The court shall order that the parental responsibility
996 for a minor child be shared by both parents unless the court
997 finds that shared parental responsibility would be detrimental
998 to the child. In determining detriment to the child, the court
999 shall consider:

- 1000 a. Evidence of domestic violence, as defined in s. 741.28;
1001 b. Whether either parent has or has had reasonable cause to
1002 believe that he or she or his or her minor child or children are
1003 or have been in imminent danger of becoming victims of an act of
1004 domestic violence as defined in s. 741.28 or sexual violence as
1005 defined in s. 784.046(1)(c) by the other parent against the
1006 parent or against the child or children whom the parents share

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1007 in common regardless of whether a cause of action has been
1008 brought or is currently pending in the court;

1009 c. Whether either parent has or has had reasonable cause to
1010 believe that his or her minor child or children are or have been
1011 in imminent danger of becoming victims of an act of abuse,
1012 abandonment, or neglect, as those terms are defined in s. 39.01,
1013 by the other parent against the child or children whom the
1014 parents share in common regardless of whether a cause of action
1015 has been brought or is currently pending in the court; and

1016 d. Any other relevant factors.

1017 3. The following evidence creates a rebuttable presumption
1018 that shared parental responsibility is detrimental to the child:

1019 a. A parent has been convicted of a misdemeanor of the
1020 first degree or higher involving domestic violence, as defined
1021 in s. 741.28 and chapter 775;

1022 b. A parent meets the criteria of s. 39.806(1)(d); or

1023 c. A parent has been convicted of or had adjudication
1024 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
1025 at the time of the offense:

1026 (I) The parent was 18 years of age or older.

1027 (II) The victim was under 18 years of age or the parent
1028 believed the victim to be under 18 years of age.

1029
1030 If the presumption is not rebutted after the convicted parent is
1031 advised by the court that the presumption exists, shared
1032 parental responsibility, including time-sharing with the child,
1033 and decisions made regarding the child, may not be granted to
1034 the convicted parent. However, the convicted parent is not
1035 relieved of any obligation to provide financial support. If the

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1036 court determines that shared parental responsibility would be
1037 detrimental to the child, it may order sole parental
1038 responsibility and make such arrangements for time-sharing as
1039 specified in the parenting plan as will best protect the child
1040 or abused spouse from further harm. Whether or not there is a
1041 conviction of any offense of domestic violence or child abuse or
1042 the existence of an injunction for protection against domestic
1043 violence, the court shall consider evidence of domestic violence
1044 or child abuse as evidence of detriment to the child.

1045 4. In ordering shared parental responsibility, the court
1046 may consider the expressed desires of the parents and may grant
1047 to one party the ultimate responsibility over specific aspects
1048 of the child's welfare or may divide those responsibilities
1049 between the parties based on the best interests of the child.
1050 Areas of responsibility may include education, health care, and
1051 any other responsibilities that the court finds unique to a
1052 particular family.

1053 5. The court shall order sole parental responsibility for a
1054 minor child to one parent, with or without time-sharing with the
1055 other parent if it is in the best interests of the minor child.

1056 6. There is a rebuttable presumption against granting time-
1057 sharing with a minor child if a parent has been convicted of or
1058 had adjudication withheld for an offense enumerated in s.
1059 943.0435(1)(h)1.a., and at the time of the offense:

1060 a. The parent was 18 years of age or older.

1061 b. The victim was under 18 years of age or the parent
1062 believed the victim to be under 18 years of age.

1063
1064 A parent may rebut the presumption upon a specific finding in

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1065 writing by the court that the parent poses no significant risk
1066 of harm to the child and that time-sharing is in the best
1067 interests of the minor child. If the presumption is rebutted,
1068 the court must consider all time-sharing factors in subsection
1069 (3) when developing a time-sharing schedule.

1070 7. Access to records and information pertaining to a minor
1071 child, including, but not limited to, medical, dental, and
1072 school records, may not be denied to either parent. Full rights
1073 under this subparagraph apply to either parent unless a court
1074 order specifically revokes these rights, including any
1075 restrictions on these rights as provided in a domestic violence
1076 injunction. A parent having rights under this subparagraph has
1077 the same rights upon request as to form, substance, and manner
1078 of access as are available to the other parent of a child,
1079 including, without limitation, the right to in-person
1080 communication with medical, dental, and education providers.

1081 Section 26. For the purpose of incorporating the amendment
1082 made by this act to section 39.01, Florida Statutes, in a
1083 reference thereto, subsection (3) of section 61.402, Florida
1084 Statutes, is reenacted to read:

1085 61.402 Qualifications of guardians ad litem.—

1086 (3) Only a guardian ad litem who qualifies under paragraph
1087 (1)(a) or paragraph (1)(c) may be appointed to a case in which
1088 the court has determined that there are well-founded allegations
1089 of child abuse, abandonment, or neglect as defined in s. 39.01.

1090 Section 27. For the purpose of incorporating the amendment
1091 made by this act to section 39.01, Florida Statutes, in a
1092 reference thereto, subsection (8) of section 95.11, Florida
1093 Statutes, is reenacted to read:

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1094 95.11 Limitations other than for the recovery of real
1095 property.—Actions other than for recovery of real property shall
1096 be commenced as follows:

1097 (8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action founded
1098 on alleged abuse, as defined in s. 39.01, s. 415.102, or s.
1099 984.03; incest, as defined in s. 826.04; or an action brought
1100 pursuant to s. 787.061 may be commenced at any time within 7
1101 years after the age of majority, or within 4 years after the
1102 injured person leaves the dependency of the abuser, or within 4
1103 years from the time of discovery by the injured party of both
1104 the injury and the causal relationship between the injury and
1105 the abuse, whichever occurs later.

1106 Section 28. For the purpose of incorporating the amendment
1107 made by this act to section 39.01, Florida Statutes, in a
1108 reference thereto, paragraph (b) of subsection (2) of section
1109 390.01114, Florida Statutes, is reenacted to read:

1110 390.01114 Parental Notice of and Consent for Abortion Act.—

1111 (2) DEFINITIONS.—As used in this section, the term:

1112 (b) "Child abuse" means abandonment, abuse, harm, mental
1113 injury, neglect, physical injury, or sexual abuse of a child as
1114 those terms are defined in ss. 39.01, 827.04, and 984.03.

1115 Section 29. For the purpose of incorporating the amendment
1116 made by this act to section 39.01, Florida Statutes, in
1117 references thereto, paragraph (g) of subsection (4) and
1118 subsections (7) and (9) of section 393.067, Florida Statutes,
1119 are reenacted to read:

1120 393.067 Facility licensure.—

1121 (4) The application shall be under oath and shall contain
1122 the following:

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1123 (g) Certification that the staff of the facility or adult
1124 day training program will receive training to detect, report,
1125 and prevent sexual abuse, abuse, neglect, exploitation, and
1126 abandonment, as defined in ss. 39.01 and 415.102, of residents
1127 and clients.

1128 (7) The agency shall adopt rules establishing minimum
1129 standards for facilities and adult day training programs
1130 licensed under this section, including rules requiring
1131 facilities and adult day training programs to train staff to
1132 detect, report, and prevent sexual abuse, abuse, neglect,
1133 exploitation, and abandonment, as defined in ss. 39.01 and
1134 415.102, of residents and clients, minimum standards of quality
1135 and adequacy of client care, incident reporting requirements,
1136 and uniform firesafety standards established by the State Fire
1137 Marshal which are appropriate to the size of the facility or
1138 adult day training program.

1139 (9) The agency may conduct unannounced inspections to
1140 determine compliance by foster care facilities, group home
1141 facilities, residential habilitation centers, and adult day
1142 training programs with the applicable provisions of this chapter
1143 and the rules adopted pursuant hereto, including the rules
1144 adopted for training staff of a facility or an adult day
1145 training program to detect, report, and prevent sexual abuse,
1146 abuse, neglect, exploitation, and abandonment, as defined in ss.
1147 39.01 and 415.102, of residents and clients. The facility or
1148 adult day training program shall make copies of inspection
1149 reports available to the public upon request.

1150 Section 30. For the purpose of incorporating the amendment
1151 made by this act to section 39.01, Florida Statutes, in a

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1152 reference thereto, paragraph (c) of subsection (8) of section
1153 1001.42, Florida Statutes, is reenacted to read:

1154 1001.42 Powers and duties of district school board.—The
1155 district school board, acting as a board, shall exercise all
1156 powers and perform all duties listed below:

1157 (8) STUDENT WELFARE.—

1158 (c)1. In accordance with the rights of parents enumerated
1159 in ss. 1002.20 and 1014.04, adopt procedures for notifying a
1160 student's parent if there is a change in the student's services
1161 or monitoring related to the student's mental, emotional, or
1162 physical health or well-being and the school's ability to
1163 provide a safe and supportive learning environment for the
1164 student. The procedures must reinforce the fundamental right of
1165 parents to make decisions regarding the upbringing and control
1166 of their children by requiring school district personnel to
1167 encourage a student to discuss issues relating to his or her
1168 well-being with his or her parent or to facilitate discussion of
1169 the issue with the parent. The procedures may not prohibit
1170 parents from accessing any of their student's education and
1171 health records created, maintained, or used by the school
1172 district, as required by s. 1002.22(2).

1173 2. A school district may not adopt procedures or student
1174 support forms that prohibit school district personnel from
1175 notifying a parent about his or her student's mental, emotional,
1176 or physical health or well-being, or a change in related
1177 services or monitoring, or that encourage or have the effect of
1178 encouraging a student to withhold from a parent such
1179 information. School district personnel may not discourage or
1180 prohibit parental notification of and involvement in critical

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1181 decisions affecting a student's mental, emotional, or physical
1182 health or well-being. This subparagraph does not prohibit a
1183 school district from adopting procedures that permit school
1184 personnel to withhold such information from a parent if a
1185 reasonably prudent person would believe that disclosure would
1186 result in abuse, abandonment, or neglect, as those terms are
1187 defined in s. 39.01.

1188 3. Classroom instruction by school personnel or third
1189 parties on sexual orientation or gender identity may not occur
1190 in prekindergarten through grade 8, except when required by ss.
1191 1003.42(2)(o)3. and 1003.46. If such instruction is provided in
1192 grades 9 through 12, the instruction must be age-appropriate or
1193 developmentally appropriate for students in accordance with
1194 state standards. This subparagraph applies to charter schools.

1195 4. Student support services training developed or provided
1196 by a school district to school district personnel must adhere to
1197 student services guidelines, standards, and frameworks
1198 established by the Department of Education.

1199 5. At the beginning of the school year, each school
1200 district shall notify parents of each health care service
1201 offered at their student's school and the option to withhold
1202 consent or decline any specific service in accordance with s.
1203 1014.06. Parental consent to a health care service does not
1204 waive the parent's right to access his or her student's
1205 educational or health records or to be notified about a change
1206 in his or her student's services or monitoring as provided by
1207 this paragraph.

1208 6. Before administering a student well-being questionnaire
1209 or health screening form to a student in kindergarten through

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1210 grade 3, the school district must provide the questionnaire or
1211 health screening form to the parent and obtain the permission of
1212 the parent.

1213 7. Each school district shall adopt procedures for a parent
1214 to notify the principal, or his or her designee, regarding
1215 concerns under this paragraph at his or her student's school and
1216 the process for resolving those concerns within 7 calendar days
1217 after notification by the parent.

1218 a. At a minimum, the procedures must require that within 30
1219 days after notification by the parent that the concern remains
1220 unresolved, the school district must either resolve the concern
1221 or provide a statement of the reasons for not resolving the
1222 concern.

1223 b. If a concern is not resolved by the school district, a
1224 parent may:

1225 (I) Request the Commissioner of Education to appoint a
1226 special magistrate who is a member of The Florida Bar in good
1227 standing and who has at least 5 years' experience in
1228 administrative law. The special magistrate shall determine facts
1229 relating to the dispute over the school district procedure or
1230 practice, consider information provided by the school district,
1231 and render a recommended decision for resolution to the State
1232 Board of Education within 30 days after receipt of the request
1233 by the parent. The State Board of Education must approve or
1234 reject the recommended decision at its next regularly scheduled
1235 meeting that is more than 7 calendar days and no more than 30
1236 days after the date the recommended decision is transmitted. The
1237 costs of the special magistrate shall be borne by the school
1238 district. The State Board of Education shall adopt rules,

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1239 including forms, necessary to implement this subparagraph.

1240 (II) Bring an action against the school district to obtain
1241 a declaratory judgment that the school district procedure or
1242 practice violates this paragraph and seek injunctive relief. A
1243 court may award damages and shall award reasonable attorney fees
1244 and court costs to a parent who receives declaratory or
1245 injunctive relief.

1246 c. Each school district shall adopt and post on its website
1247 policies to notify parents of the procedures required under this
1248 subparagraph.

1249 d. Nothing contained in this subparagraph shall be
1250 construed to abridge or alter rights of action or remedies in
1251 equity already existing under the common law or general law.

1252 Section 31. For the purpose of incorporating the amendment
1253 made by this act to section 39.206, Florida Statutes, in a
1254 reference thereto, paragraph (a) of subsection (3) of section
1255 39.101, Florida Statutes, is reenacted to read:

1256 39.101 Central abuse hotline.—The central abuse hotline is
1257 the first step in the safety assessment and investigation
1258 process.

1259 (3) COLLECTION OF INFORMATION AND DATA.—The department
1260 shall:

1261 (a)1. Voice-record all incoming or outgoing calls that are
1262 received or placed by the central abuse hotline which relate to
1263 suspected or known child abuse, abandonment, or neglect and
1264 maintain an electronic copy of each report made to the central
1265 abuse hotline through a call or electronic reporting.

1266 2. Make the recording or electronic copy of the report made
1267 to the central abuse hotline a part of the record of the report.

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1268 Notwithstanding s. 39.202, the recording or electronic copy may
1269 only be released in full to law enforcement agencies and state
1270 attorneys for the purposes of investigating and prosecuting
1271 criminal charges under s. 39.205, or to employees of the
1272 department for the purposes of investigating and seeking
1273 administrative fines under s. 39.206.

1274

1275 This paragraph does not prohibit central abuse hotline
1276 counselors from using the recordings or the electronic copy of
1277 reports for quality assurance or training purposes.

1278 Section 32. This act shall take effect October 1, 2025.