

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1488

INTRODUCER: Senator Davis

SUBJECT: Booking Officer Duties Related to Minor Children of Arrested Persons

DATE: January 30, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Pre-meeting
2.			CF	
3.			RC	

I. Summary:

SB 1488, cited as the “Child Protection at Time of Parental Arrest Act,” creates s. 901.45, F.S., to require a booking officer to ask specified questions to an arrested person during the booking process.

The bill requires a booking officer to ask the arrested person if he or she has a minor child and, if answered in the affirmative, the bill specifies additional questions and requires the booking officer to verify the minor child’s safety and location.

A booking officer is required to notify the central abuse hotline if the officer determines that the minor child is unprotected and at risk of or vulnerable to abuse, abandonment, or neglect, or is without a responsible guardian. Additionally, the booking officer may notify the central abuse hotline and request an immediate protective investigation if the arrested person states he or she does not have a minor child, but a previous arrest record states that a minor child lives with the person.

The bill takes effect on July 1, 2026.

II. Present Situation:

Arrests

A law enforcement officer¹ is authorized to arrest a person who commits a criminal offense. A law enforcement officer may make such an arrest after obtaining an arrest warrant or, in specified circumstances, he or she may make an immediate arrest without a warrant.²

¹ Section 943.10(1), F.S.

² Section 901.15, F.S.

A law enforcement officer must request approval from a judge to obtain an arrest warrant. A judge is authorized to issue a warrant authorizing a person's arrest for committing any crime if he or she finds probable cause that the person committed a crime within his or her jurisdiction.³ When a judge signs an arrest warrant, he or she also sets a bond amount for a defendant, which allows a defendant arrested under the warrant to be released from jail upon.⁴

An officer making an arrest by a warrant must inform the person to be arrested of the reason for the arrest and that a warrant has been issued, unless the person flees or forcibly resists before the officer has an opportunity to inform them, or when giving the information will imperil the arrest. The warrant does not need to be in the officer's possession at the time of arrest, but available on request as soon as practicable.⁵

A law enforcement officer may arrest a person without a warrant when:

- The person has committed a felony or misdemeanor or violated a municipal or county ordinance in the presence of the officer. An arrest for the commission of a misdemeanor or the violation of a municipal or county ordinance must be made immediately or in fresh pursuit.
- A felony has been committed and he or she reasonably believes that the person committed it.
- He or she reasonably believes that a felony has been or is being committed and that the person to be arrested has committed or is committing it.
- There is probable cause to believe a person has committed certain enumerated misdemeanor offenses for which a warrantless arrest has been explicitly authorized by statute, such as a battery, criminal mischief or graffiti, an act of domestic violence, an injunction violation, or sexual cyberharassment.⁶

Department of Children and Families' Central Abuse Hotline

The Florida Abuse Hotline serves as the central reporting center for allegations of abuse, neglect, and/or exploitation for all children and vulnerable adults in Florida. The Hotline receives calls, faxes, and web based reports from citizens and professionals with concerns of abuse, neglect, or exploitation of children and vulnerable adults in Florida.⁷

Mandatory Reporting of Child Abuse

A person is required to report immediately to the central abuse hotline in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reasonable cause to suspect that any of the following has occurred⁸:

- Child abuse, abandonment, or neglect by a parent or caregiver, which includes, but is not limited to, when a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or when a child is in need of

³ Section 901.02, F.S.

⁴ Section 901.02, F.S.

⁵ Section 901.16, F.S.

⁶ Section 901.15, F.S.

⁷ Florida Department of Children and Families, *About the Florida Abuse Hotline*, available at <https://www.myflfamilies.com/services/abuse-hotline/about> (last visited on January 29, 2026).

⁸ Section 39.201, F.S.

supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide such supervision and care.⁹

- Child abuse by an adult other than a parent, legal guardian, caregiver, or other person responsible for the child's welfare. The central abuse hotline must immediately electronically transfer such reports to the appropriate county sheriff's office.¹⁰

Any person who knows, or has reasonable cause to suspect, that a child is the victim of sexual abuse or juvenile sexual abuse must report such knowledge or suspicion to the central abuse hotline, including if the alleged incident involves a child who is in the custody of or under the protective supervision of the department.¹¹

While all individuals who know or suspect that a child is a victim of child abuse, abandonment, neglect, sexual abuse or juvenile sexual abuse are *required* to report to the hotline, s. 39.201, F.S., designates the following professions as mandatory reporters who must also provide their names when reporting suspected abuse:

- Health care providers,
- Health care or mental health care professionals,
- Spiritual healers,
- School teachers and official personnel,
- Social workers, day care workers, or other professional childcare workers, foster care workers, residential workers, or institutional workers;
- Law enforcement officers;
- Judges; or
- Animal control officers or agents.

Exceptions to the mandatory reporting requirements include situations where an individual may be aware of abuse under specified circumstances; the exceptions do not remove or reduce the responsibility of any person to report known or suspected cases of child abuse, abandonment, or neglect. Such exceptions include:

- Professionals hired or contracted by the DCF to provide treatment or counseling to individuals due to child abuse, neglect, or abandonment.
- Judicial branch officers or employees, when the DCF is already investigating the case, there is an existing case, or the matter has already been reported to the DCF, or there is reasonable cause to believe that the information is already known to the DCF.
- Officers and employees of law enforcement agencies when abuse was reported to them through the central abuse hotline. The hotline is not required to transfer calls or reports to a sheriff's office or other law enforcement agency if the matter was initially reported by the office or agency.¹²

⁹ Section 39.201(1)(a)1.a., F.S.

¹⁰ Section 39.201(1)(a)1.b., F.S.

¹¹ Section 39.201(1)2., F.S.

¹² Section 39.201(2)(a), F.S.

III. Effect of Proposed Changes:

The bill, cited as the “Child Protection at Time of Parental Arrest Act,” creates s. 901.45, F.S., to require a booking officer to ask whether an arrested person has a minor child to during the booking process and take further action if warranted.

If answered in the affirmative, the bill requires the booking officer to ask, in the same or similar wording, the following questions:

- Is the minor child safe with a responsible guardian?
- Do I need to contact someone to confirm the care of the minor child?

Further, the bill requires the booking officer to verify the minor child’s safety and location.

A booking officer is required to notify the central abuse hotline if the officer determines that the minor child is unprotected and at risk of or vulnerable to abuse, abandonment, or neglect, or is without a responsible guardian. Additionally, the booking officer may notify the central abuse hotline and request an immediate protective investigation if the arrested person states he or she does not have a minor child, but a previous arrest record states that a minor child lives with the person.

The bill defines “guardian” as a parent, relative, caregiver, or other person legally designated by a court to be responsible for the safety and welfare of a minor child. Additionally, the bill defines “minor child” as an unmarried person under the age of 18 years who has not been emancipated by order of the court and who is the legal or biological child of an arrested person.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the section 901.45 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.