

1 A bill to be entitled
2 An act relating to direction and execution of warrants
3 and arrests; providing a short title; amending ss.
4 901.04 and 901.15, F.S.; authorizing a warrant to be
5 executed by a law enforcement officer designated by
6 the sheriff; requiring sheriffs, law enforcement
7 officers, and part-time law enforcement officers to
8 ask certain questions and take certain actions when
9 making an arrest; providing requirements for such
10 sheriffs and officers; authorizing such sheriffs and
11 officers to contact the central abuse hotline and
12 request an immediate onsite protective investigation
13 under certain circumstances; providing definitions;
14 amending s. 943.1701, F.S.; requiring the Criminal
15 Justice Standards and Training Commission to develop
16 statewide policies and procedures relating to special
17 needs of minor children at the scene of certain
18 arrests; amending s. 943.172, F.S.; requiring
19 instruction on the special needs of minor children at
20 the scene of certain arrests and the responsibilities
21 of arresting officers in such situations; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

26 **Section 1.** This act may be cited as the "Child Protection
27 at Time of Parental Arrest Act."

28 **Section 2. Section 901.04, Florida Statutes, is amended to**
29 **read:**

30 901.04 Direction and execution of warrant.—

31 (1) Warrants shall be directed to all sheriffs of the
32 state. A warrant shall be executed only by the sheriff of the
33 county in which the arrest is made, or a law enforcement officer
34 designated by the sheriff, unless the arrest is made in fresh
35 pursuit, in which event it may be executed by any sheriff or law
36 enforcement officer who is advised of the existence of the
37 warrant.

38 (2) An arrest may be made on any day and at any time of
39 the day or night.

40 (3)(a) At the time of an arrest, the sheriff or law
41 enforcement officer executing the warrant must ask the person
42 being arrested, in the same or similar wording, all of the
43 following questions:

44 1. Do you have a minor child?

45 2. Is the minor child safe with a responsible guardian?

46 3. Do I need to contact someone to confirm the care of the
47 minor child?

48 (b) If the person being arrested states that he or she has
49 a minor child, the arresting officer must:

50 1. Verify the minor child's safety and current placement

51 or location.

52 2. Notify the central abuse hotline if the arresting
53 officer determines that the minor child is unsafe, unprotected,
54 or without a responsible guardian.

55 3. Follow the requirements of s. 39.401(2) if the
56 arresting officer determines that the minor child needs to be
57 taken into custody.

58 (c) If the person being arrested states that he or she
59 does not have a minor child, but:

60 1. A previous arrest record states that a minor child
61 lives at the location; or

62 2. The arresting officer observes indications that a minor
63 child may be present or lives at the location, including, but
64 not limited to, the presence of car seats or children's toys or
65 indications of school obligations,

66
67 the arresting officer may contact the central abuse hotline and
68 request an immediate onsite protective investigation.

69 (d) For purposes of this subsection, the term:

70 1. "Guardian" means a parent, relative, caregiver, or
71 other person legally designated by the court to be responsible
72 for the safety and welfare of a minor child.

73 2. "Minor child" means an unmarried person under the age
74 of 18 years who has not been emancipated by order of the court
75 and who is the legal or biological child of the person being

76 arrested.

77 3. "Safe" means that a minor child is protected and not at
78 risk of or vulnerable to abuse, abandonment, or neglect.

79 **Section 3. Subsection (12) of section 901.15, Florida**
80 **Statutes, is amended to read:**

81 901.15 When arrest by officer without warrant is lawful.—A
82 law enforcement officer may arrest a person without a warrant
83 when:

84 (12) (a) He or she is employed by the State of Florida as a
85 law enforcement officer as defined in s. 943.10(1) or part-time
86 law enforcement officer as defined in s. 943.10(6), and:

87 1.-(a) He or she reasonably believes that a felony
88 involving violence has been or is being committed and that the
89 person to be arrested has committed or is committing the felony;

90 2.-(b) While engaged in the exercise of his or her state
91 law enforcement duties, the officer reasonably believes that a
92 felony has been or is being committed; or

93 3.-(c) A felony warrant for the arrest has been issued and
94 is being held for execution by another peace officer.

95
96 Notwithstanding any other provision of law, the authority of an
97 officer pursuant to this subsection is statewide. This
98 subsection does not limit the arrest authority conferred on such
99 officer by any other provision of law.

100 (b)1. At the time of an arrest, the law enforcement

101 officer or part-time law enforcement officer must ask the person
102 being arrested, in the same or similar wording, all of the
103 following questions:

104 a. Do you have a minor child?

105 b. Is the minor child safe with a responsible guardian?

106 c. Do I need to contact someone to confirm the care of the
107 minor child?

108 2. If the person being arrested states that he or she has
109 a minor child, the arresting officer must:

110 a. Verify the minor child's safety and current placement
111 or location.

112 b. Notify the central abuse hotline if the officer
113 determines that the minor child is unsafe, unprotected, or
114 without a responsible guardian.

115 c. Follow the requirements of s. 39.401(2) if the
116 arresting officer determines that the minor child needs to be
117 taken into custody.

118 3. If the person being arrested states that he or she does
119 not have a minor child, but:

120 a. A previous arrest record states that a minor child
121 lives at the location; or

122 b. The arresting officer observes indications that a minor
123 child may be present or lives at the location, including, but
124 not limited to, the presence of car seats or children's toys or
125 indications of school obligations,

126
127 the arresting officer may contact the central abuse hotline and
128 request an immediate onsite protective investigation.

129 4. For purposes of this paragraph, the term:

130 a. "Guardian" means a parent, relative, caregiver, or
131 other person legally designated by the court to be responsible
132 for the safety and welfare of a minor child.

133 b. "Minor child" means an unmarried person under the age
134 of 18 years who has not been emancipated by order of the court
135 and who is the legal or biological child of the person being
136 arrested.

137 c. "Safe" means that a minor child is protected and not at
138 risk of or vulnerable to abuse, abandonment, or neglect.

139 **Section 4. Subsection (15) is added to section 943.1701,**
140 **Florida Statutes, to read:**

141 943.1701 Uniform statewide policies and procedures; duty
142 of the commission.—The commission, with the advice and
143 cooperation of the Department of Children and Families, the
144 Florida Sheriffs Association, the Florida Police Chiefs
145 Association, and other agencies that verify, serve, and enforce
146 injunctions for protection against domestic violence, shall
147 develop by rule uniform statewide policies and procedures to be
148 incorporated into required courses of basic law enforcement
149 training and continuing education. These statewide policies and
150 procedures shall include:

151 (15) Special needs of minor children at the scene of an
152 arrest of the child's parent or guardian.

153 **Section 5. Section 943.172, Florida Statutes, is amended**
154 **to read:**

155 943.172 Basic skills training in victims assistance and
156 rights.—The commission shall establish standards for instruction
157 of law enforcement officers in the subject of victims assistance
158 and rights. Every basic skills course required in order for law
159 enforcement officers, probation officers, and other appropriate
160 correctional staff to obtain initial certification must, after
161 January 1, 1989, include a minimum of 4 hours of training in
162 victims assistance and rights. Every basic skills course
163 required under this section must include instruction on the
164 special needs of minor children who are at the scene of an
165 arrest of the child's parent or guardian and the arresting
166 officer's responsibilities under ss. 901.04 and 901.15.

167 **Section 6.** This act shall take effect July 1, 2026.