

1                                   A bill to be entitled  
 2           An act relating to the safe exchange of minor  
 3           children; amending s. 61.13, F.S.; providing  
 4           requirements for a parenting plan relating to the  
 5           exchange of a child; creating s. 61.455, F.S.;  
 6           requiring the court to order the parties in a  
 7           parenting plan to exchange their child at a neutral  
 8           safe exchange location or supervised visitation  
 9           program under certain circumstances; amending s.  
 10          125.01, F.S.; requiring sheriffs to designate certain  
 11          areas as neutral safe exchange locations; providing  
 12          requirements for such areas; providing immunity from  
 13          liability; amending s. 741.30, F.S.; revising the form  
 14          for an injunction for protection against domestic  
 15          violence; requiring court-ordered injunctions for  
 16          protection against domestic violence to designate  
 17          certain locations for the exchange of a child of the  
 18          parties under certain circumstances; providing an  
 19          effective date.

20  
 21   Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1. Paragraph (b) of subsection (2) of section  
 24          61.13, Florida Statutes, is amended to read:  
 25           61.13 Support of children; parenting and time-sharing;

26 powers of court.—

27 (2)

28 (b) A parenting plan approved by the court must, at a  
29 minimum, do all of the following:

30 1. Describe in adequate detail how the parents will share  
31 and be responsible for the daily tasks associated with the  
32 upbringing of the child.~~†~~

33 2. Include the time-sharing schedule arrangements that  
34 specify the time that the ~~minor~~ child will spend with each  
35 parent.~~†~~

36 3. Designate who will be responsible for:

37 a. Any and all forms of health care. If the court orders  
38 shared parental responsibility over health care decisions,  
39 either parent may consent to mental health treatment for the  
40 child unless stated otherwise in the parenting plan.

41 b. School-related matters, including the address to be  
42 used for school-boundary determination and registration.

43 c. Other activities.~~†~~~~and~~

44 4. Describe in adequate detail the methods and  
45 technologies that the parents will use to communicate with the  
46 child.

47 5. Unless otherwise agreed to by both parents in writing,  
48 designate authorized locations for the exchange of the child.

49 The court may require the parents to exchange the child at a  
50 neutral safe exchange location as provided in s. 125.01(8) or a

51 supervised visitation program as defined in s. 753.01 if, upon  
 52 the presentation of competent substantial evidence that there is  
 53 a risk or an imminent threat of harm to one party or the child  
 54 during the exchange of the child, the court finds that such  
 55 requirement is necessary to ensure the safety of a parent or the  
 56 child and that it is in the best interests of the child after  
 57 consideration of all of the factors listed in subsection (3).

58 Section 2. Section 61.455, Florida Statutes, is created to  
 59 read:

60 61.455 Court-ordered parenting plan; neutral safe exchange  
 61 location or supervised visitation program.—In any proceeding in  
 62 which the court enters a parenting plan and time-sharing  
 63 schedule, including in a modification proceeding, upon the  
 64 presentation of competent substantial evidence that there is a  
 65 risk or an imminent threat of harm to one party or a child  
 66 during the exchange of the child and that it is in the best  
 67 interests of the child after consideration of all of the factors  
 68 in s. 61.13(3), the court may require the parties to exchange  
 69 custody of the child at a neutral safe exchange location as  
 70 provided in s. 125.01(8) or a supervised visitation program as  
 71 defined in s. 753.01. Competent substantial evidence includes,  
 72 but is not limited to, a court-ordered injunction for protection  
 73 under s. 741.30, s. 784.046, or s. 784.0485.

74 Section 3. Subsection (8) is added to section 125.01,  
 75 Florida Statutes, to read:

76 125.01 Powers and duties.—

77 (8) (a) Each sheriff shall designate at least one parking  
 78 lot at the sheriff's office, or substation thereof, as a neutral  
 79 safe exchange location at which parents who exercise time-  
 80 sharing pursuant to a parenting plan or time-sharing schedule  
 81 may meet to exchange the minor child.

82 (b) Each parking lot designated as a neutral safe exchange  
 83 location must have a purple light or a sign on the parking lot  
 84 premises to clearly identify the designated area as a neutral  
 85 safe exchange location. The neutral safe exchange location must:

86 1. Be accessible 24 hours a day, 7 days a week.

87 2. Provide adequate lighting and an external video  
 88 surveillance system that records continuously, 24 hours a day, 7  
 89 days a week.

90 3. Provide at least one camera that is fixed on the  
 91 parking lot, is able to record the area in the vicinity of the  
 92 purple light or sign during both day and night, records images  
 93 that clearly and accurately display the time and date, and  
 94 retains video surveillance recordings or images for at least 45  
 95 days.

96 (c) A cause of action does not arise against a county, a  
 97 sheriff, a law enforcement officer, or an employee of the  
 98 designated safe exchange location based on an incident arising  
 99 out of a meeting to exchange a minor child at a safe exchange  
 100 location pursuant to this subsection.

101 Section 4. Paragraph (b) of subsection (3), paragraph (a)  
102 of subsection (5), and paragraphs (a) and (c) of subsection (6)  
103 of section 741.30, Florida Statutes, are amended to read:

104 741.30 Domestic violence; injunction; powers and duties of  
105 court and clerk; petition; notice and hearing; temporary  
106 injunction; issuance of injunction; statewide verification  
107 system; enforcement; public records exemption.—

108 (3)

109 (b) The sworn petition shall be in substantially the  
110 following form:

111 PETITION FOR

112 INJUNCTION FOR PROTECTION

113 AGAINST DOMESTIC VIOLENCE

114 Before me, the undersigned authority, personally appeared  
115 Petitioner ...(Name)..., who has been sworn and says that the  
116 following statements are true:

117 (a) Petitioner resides at: ...(address)...

118 (Petitioner may furnish address to the court in a separate  
119 confidential filing if, for safety reasons, the petitioner  
120 requires the location of the current residence to be  
121 confidential.)

122 (b) Respondent resides at: ...(last known address)...

123 (c) Respondent's last known place of employment: ...(name  
124 of business and address)...

125 (d) Physical description of respondent:.....

126 Race.....

127 Sex.....

128 Date of birth.....

129 Height.....

130 Weight.....

131 Eye color.....

132 Hair color.....

133 Distinguishing marks or scars.....

134 (e) Aliases of respondent: .....

135 (f) Respondent is the spouse or former spouse of the

136 petitioner or is any other person related by blood or marriage

137 to the petitioner or is any other person who is or was residing

138 within a single dwelling unit with the petitioner, as if a

139 family, or is a person with whom the petitioner has a child in

140 common, regardless of whether the petitioner and respondent are

141 or were married or residing together, as if a family.

142 (g) The following describes any other cause of action

143 currently pending between the petitioner and respondent: .....

144

145 The petitioner should also describe any previous or pending

146 attempts by the petitioner to obtain an injunction for

147 protection against domestic violence in this or any other

148 circuit, and the results of that attempt:.....

149

150 Case numbers should be included if available.

151 (h) Petitioner is either a victim of domestic violence or  
 152 has reasonable cause to believe he or she is in imminent danger  
 153 of becoming a victim of domestic violence because respondent  
 154 has: ...(mark all sections that apply and describe in the spaces  
 155 below the incidents of violence or threats of violence,  
 156 specifying when and where they occurred, including, but not  
 157 limited to, locations such as a home, school, place of  
 158 employment, or visitation exchange)...

159 .....  
 160 .....

161 ....committed or threatened to commit domestic violence  
 162 defined in s. 741.28, Florida Statutes, as any assault,  
 163 aggravated assault, battery, aggravated battery, sexual assault,  
 164 sexual battery, stalking, aggravated stalking, kidnapping, false  
 165 imprisonment, or any criminal offense resulting in physical  
 166 injury or death of one family or household member by another.  
 167 With the exception of persons who are parents of a child in  
 168 common, the family or household members must be currently  
 169 residing or have in the past resided together in the same single  
 170 dwelling unit.

171 ....previously threatened, harassed, stalked, or physically  
 172 abused the petitioner.

173 ....attempted to harm the petitioner or family members or  
 174 individuals closely associated with the petitioner.

175 ....threatened to conceal, kidnap, or harm the petitioner's

176 | child or children.  
 177 |       ....intentionally injured or killed a family pet.  
 178 |       ....used, or has threatened to use, against the petitioner  
 179 | any weapons such as guns or knives.  
 180 |       ....physically restrained the petitioner from leaving the  
 181 | home or calling law enforcement.  
 182 |       ....a criminal history involving violence or the threat of  
 183 | violence (if known).  
 184 |       ....another order of protection issued against him or her  
 185 | previously or from another jurisdiction (if known).  
 186 |       ....destroyed personal property, including, but not limited  
 187 | to, telephones or other communication equipment, clothing, or  
 188 | other items belonging to the petitioner.  
 189 |       ....engaged in a pattern of abusive, threatening,  
 190 | intimidating, or controlling behavior composed of a series of  
 191 | acts over a period of time, however short.  
 192 |       ....engaged in any other behavior or conduct that leads the  
 193 | petitioner to have reasonable cause to believe he or she is in  
 194 | imminent danger of becoming a victim of domestic violence.  
 195 |       (i) Petitioner alleges the following additional specific  
 196 | facts: ... (mark appropriate sections) ...  
 197 |       ....A minor child or minor children reside with the  
 198 | petitioner whose names and ages are as follows: .....

199 |  
 200 |       ....Petitioner needs the exclusive use and possession of



201 the dwelling that the parties share.

202       ....Petitioner is unable to obtain safe alternative housing

203 because: .....

204

205       ....Petitioner genuinely fears that respondent imminently

206 will abuse, remove, or hide the minor child or children from

207 petitioner because:.....

208

209       (j) Petitioner genuinely fears imminent domestic violence

210 by respondent.

211       (k) Petitioner seeks an injunction: ... (mark appropriate

212 section or sections)...

213       ....Immediately restraining the respondent from committing

214 any acts of domestic violence.

215       ....Restraining the respondent from committing any acts of

216 domestic violence.

217       ....Awarding to the petitioner the temporary exclusive use

218 and possession of the dwelling that the parties share or

219 excluding the respondent from the residence of the petitioner.

220       ....Providing a temporary parenting plan, including a

221 temporary time-sharing schedule, with regard to the minor child

222 or children of the parties which might involve prohibiting or

223 limiting time-sharing or requiring that it be supervised by a

224 third party.

225       ....If temporary time-sharing of the child is awarded to

226 | the respondent, designating that the exchange of the minor child  
 227 | or children of the parties must occur at a neutral safe exchange  
 228 | location as provided in s. 125.01(8) or a supervised visitation  
 229 | program as defined in s. 753.01.

230 |       ....Establishing temporary support for the minor child or  
 231 | children or the petitioner.

232 |       ....Directing the respondent to participate in a batterers'  
 233 | intervention program.

234 |       ....Providing any terms the court deems necessary for the  
 235 | protection of a victim of domestic violence, or any minor  
 236 | children of the victim, including any injunctions or directives  
 237 | to law enforcement agencies.

238 |       (5)(a) If it appears to the court that an immediate and  
 239 | present danger of domestic violence exists, the court may grant  
 240 | a temporary injunction ex parte, pending a full hearing, and may  
 241 | grant such relief as the court deems proper, including an  
 242 | injunction:

243 |           1. Restraining the respondent from committing any acts of  
 244 | domestic violence.

245 |           2. Awarding to the petitioner the temporary exclusive use  
 246 | and possession of the dwelling that the parties share or  
 247 | excluding the respondent from the residence of the petitioner.

248 |           3. On the same basis as provided in s. 61.13, providing  
 249 | the petitioner a temporary parenting plan, including a time-  
 250 | sharing schedule, which may award the petitioner up to 100

251 | percent of the time-sharing. If temporary time-sharing is  
 252 | awarded to the respondent, the exchange of the child must occur  
 253 | at a neutral safe exchange location as provided in s. 125.01(8)  
 254 | or a supervised visitation program as defined in s. 753.01 if  
 255 | the court determines it is in the best interests of the child  
 256 | after consideration of all of the factors in s. 61.13(3). The  
 257 | temporary parenting plan remains in effect until the order  
 258 | expires or an order is entered by a court of competent  
 259 | jurisdiction in a pending or subsequent civil action or  
 260 | proceeding affecting the placement of, access to, parental time  
 261 | with, adoption of, or parental rights and responsibilities for  
 262 | the minor child.

263 | 4. If the petitioner and respondent have an existing  
 264 | parenting plan or time-sharing schedule under another court  
 265 | order, designating that the exchange of the minor child or  
 266 | children of the parties must occur at a neutral safe exchange  
 267 | location as provided in s. 125.01(8) or a supervised visitation  
 268 | program as defined in s. 753.01 if the court determines it is in  
 269 | the best interests of the child after consideration of all of  
 270 | the factors in s. 61.13(3).

271 | 5.4. Awarding to the petitioner the temporary exclusive  
 272 | care, possession, or control of an animal that is owned,  
 273 | possessed, harbored, kept, or held by the petitioner, the  
 274 | respondent, or a minor child residing in the residence or  
 275 | household of the petitioner or respondent. The court may order

276 the respondent to temporarily have no contact with the animal  
 277 and prohibit the respondent from taking, transferring,  
 278 encumbering, concealing, harming, or otherwise disposing of the  
 279 animal. This subparagraph does not apply to an animal owned  
 280 primarily for a bona fide agricultural purpose, as defined under  
 281 s. 193.461, or to a service animal, as defined under s. 413.08,  
 282 if the respondent is the service animal's handler.

283 (6) (a) Upon notice and hearing, when it appears to the  
 284 court that the petitioner is either the victim of domestic  
 285 violence as defined by s. 741.28 or has reasonable cause to  
 286 believe he or she is in imminent danger of becoming a victim of  
 287 domestic violence, the court may grant such relief as the court  
 288 deems proper, including an injunction:

289 1. Restraining the respondent from committing any acts of  
 290 domestic violence.

291 2. Awarding to the petitioner the exclusive use and  
 292 possession of the dwelling that the parties share or excluding  
 293 the respondent from the residence of the petitioner.

294 3. On the same basis as provided in chapter 61, providing  
 295 the petitioner with 100 percent of the time-sharing in a  
 296 temporary parenting plan that remains in effect until the order  
 297 expires or an order is entered by a court of competent  
 298 jurisdiction in a pending or subsequent civil action or  
 299 proceeding affecting the placement of, access to, parental time  
 300 with, adoption of, or parental rights and responsibilities for

301 the minor child.

302 4. If the petitioner and respondent have an existing  
 303 parenting plan or time-sharing schedule under another court  
 304 order, designating that the exchange of the minor child or  
 305 children of the parties must occur at a neutral safe exchange  
 306 location as provided in s. 125.01(8) or a supervised visitation  
 307 program as defined in s. 753.01 if the court determines it is in  
 308 the best interests of the child after consideration of all of  
 309 the factors in s. 61.13(3).

310 ~~5.4.~~ On the same basis as provided in chapter 61,  
 311 establishing temporary support for a minor child or children or  
 312 the petitioner. An order of temporary support remains in effect  
 313 until the order expires or an order is entered by a court of  
 314 competent jurisdiction in a pending or subsequent civil action  
 315 or proceeding affecting child support.

316 ~~6.5.~~ Ordering the respondent to participate in treatment,  
 317 intervention, or counseling services to be paid for by the  
 318 respondent. When the court orders the respondent to participate  
 319 in a batterers' intervention program, the court, or any entity  
 320 designated by the court, must provide the respondent with a list  
 321 of batterers' intervention programs from which the respondent  
 322 must choose a program in which to participate.

323 ~~7.6.~~ Referring a petitioner to a certified domestic  
 324 violence center. The court must provide the petitioner with a  
 325 list of certified domestic violence centers in the circuit which

326 the petitioner may contact.

327 ~~8.7.~~ Awarding to the petitioner the exclusive care,  
 328 possession, or control of an animal that is owned, possessed,  
 329 harbored, kept, or held by the petitioner, the respondent, or a  
 330 minor child residing in the residence or household of the  
 331 petitioner or respondent. The court may order the respondent to  
 332 have no contact with the animal and prohibit the respondent from  
 333 taking, transferring, encumbering, concealing, harming, or  
 334 otherwise disposing of the animal. This subparagraph does not  
 335 apply to an animal owned primarily for a bona fide agricultural  
 336 purpose, as defined under s. 193.461, or to a service animal, as  
 337 defined under s. 413.08, if the respondent is the service  
 338 animal's handler.

339 ~~9.8.~~ Ordering such other relief as the court deems  
 340 necessary for the protection of a victim of domestic violence,  
 341 including injunctions or directives to law enforcement agencies,  
 342 as provided in this section.

343 (c) The terms of an injunction restraining the respondent  
 344 under subparagraph (a)1. or ordering other relief for the  
 345 protection of the victim under subparagraph (a)9.~~(a)8.~~ shall  
 346 remain in effect until modified or dissolved. Either party may  
 347 move at any time to modify or dissolve the injunction. No  
 348 specific allegations are required. Such relief may be granted in  
 349 addition to other civil or criminal remedies.

350 Section 5. This act shall take effect July 1, 2024.