

ENROLLED

CS/CS/HB 385, Engrossed 1

2024 Legislature

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An act relating to the safe exchange of minor children; providing a short title; amending s. 61.13, F.S.; providing requirements for a parenting plan relating to the exchange of a child; creating s. 61.455, F.S.; requiring the court to order the parties in a parenting plan to exchange their child at a neutral safe exchange location or location authorized by a supervised visitation program under certain circumstances; amending s. 125.01, F.S.; requiring sheriffs to designate certain areas as neutral safe exchange locations; providing requirements for such areas; providing immunity from civil liability; amending s. 741.30, F.S.; revising the form for an injunction for protection against domestic violence; requiring court-ordered injunctions for protection against domestic violence to designate certain locations for the exchange of a child of the parties under certain circumstances; providing an effective date.

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

Section 1. This act may be cited as the "Cassie Carli Law."

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26 Section 2. Paragraph (b) of subsection (2) of section  
 27 61.13, Florida Statutes, is amended to read:

28 61.13 Support of children; parenting and time-sharing;  
 29 powers of court.—

30 (2)

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

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

36 2. Include the time-sharing schedule arrangements that  
 37 specify the time that the minor child will spend with each  
 38 parent.~~†~~

39 3. Designate who will be responsible for:

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

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

46 c. Other activities.~~†~~~~and~~

47 4. Describe in adequate detail the methods and  
 48 technologies that the parents will use to communicate with the  
 49 child.

50 5. Unless otherwise agreed to by both parents in writing,

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51 designate authorized locations for the exchange of the child.  
 52 The court may require the parents to exchange the child at a  
 53 neutral safe exchange location as provided in s. 125.01(8) or a  
 54 location authorized by a supervised visitation program as  
 55 defined in s. 753.01 if the court finds that there is a risk or  
 56 an imminent threat of harm to one party or the child during the  
 57 exchange of the child, that such requirement is necessary to  
 58 ensure the safety of a parent or the child, and that it is in  
 59 the best interests of the child after consideration of all of  
 60 the factors listed in subsection (3).

61 Section 3. Section 61.455, Florida Statutes, is created to  
 62 read:

63 61.455 Court-ordered parenting plan; neutral safe exchange  
 64 location or a location authorized by a supervised visitation  
 65 program.—In any proceeding in which the court enters a parenting  
 66 plan and time-sharing schedule, including in a modification  
 67 proceeding, if the court finds that there is a risk or an  
 68 imminent threat of harm to one party or a child during the  
 69 exchange of the child and that it is in the best interests of  
 70 the child after consideration of all of the factors specified in  
 71 s. 61.13(3), the court may require the parties to exchange  
 72 custody of the child at a neutral safe exchange location as  
 73 provided in s. 125.01(8) or a location authorized by a  
 74 supervised visitation program as defined in s. 753.01.

75 Section 4. Subsection (8) is added to section 125.01,

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76 Florida Statutes, to read:

77 125.01 Powers and duties.—

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

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

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

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

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

97 (c) A county, a sheriff, a law enforcement officer, or an  
 98 employee of the designated safe exchange location is not liable  
 99 for civil damages for any act or omission relating to an  
 100 incident arising out of a meeting to exchange a minor child at a

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101 safe exchange location pursuant to this subsection.

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

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

109 (3)

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

PETITION FOR

INJUNCTION FOR PROTECTION

AGAINST DOMESTIC VIOLENCE

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

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

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

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

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

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

127 Race.....

128 Sex.....

129 Date of birth.....

130 Height.....

131 Weight.....

132 Eye color.....

133 Hair color.....

134 Distinguishing marks or scars.....

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

136 (f) Respondent is the spouse or former spouse of the  
137 petitioner or is any other person related by blood or marriage  
138 to the petitioner or is any other person who is or was residing  
139 within a single dwelling unit with the petitioner, as if a  
140 family, or is a person with whom the petitioner has a child in  
141 common, regardless of whether the petitioner and respondent are  
142 or were married or residing together, as if a family.

143 (g) The following describes any other cause of action  
144 currently pending between the petitioner and respondent: .....

145  
146 The petitioner should also describe any previous or pending  
147 attempts by the petitioner to obtain an injunction for  
148 protection against domestic violence in this or any other  
149 circuit, and the results of that attempt:.....

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151 Case numbers should be included if available.

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

160 .....  
161 .....

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

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

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

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176           ....threatened to conceal, kidnap, or harm the petitioner's  
177 child or children.

178           ....intentionally injured or killed a family pet.

179           ....used, or has threatened to use, against the petitioner  
180 any weapons such as guns or knives.

181           ....physically restrained the petitioner from leaving the  
182 home or calling law enforcement.

183           ....a criminal history involving violence or the threat of  
184 violence (if known).

185           ....another order of protection issued against him or her  
186 previously or from another jurisdiction (if known).

187           ....destroyed personal property, including, but not limited  
188 to, telephones or other communication equipment, clothing, or  
189 other items belonging to the petitioner.

190           ....engaged in a pattern of abusive, threatening,  
191 intimidating, or controlling behavior composed of a series of  
192 acts over a period of time, however short.

193           ....engaged in any other behavior or conduct that leads the  
194 petitioner to have reasonable cause to believe he or she is in  
195 imminent danger of becoming a victim of domestic violence.

196           (i) Petitioner alleges the following additional specific  
197 facts: ...(mark appropriate sections)...

198           ....A minor child or minor children reside with the  
199 petitioner whose names and ages are as follows:.....

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201       ....Petitioner needs the exclusive use and possession of  
202 the dwelling that the parties share.

203       ....Petitioner is unable to obtain safe alternative housing  
204 because: .....

205  
206       ....Petitioner genuinely fears that respondent imminently  
207 will abuse, remove, or hide the minor child or children from  
208 petitioner because:.....

209  
210       (j) Petitioner genuinely fears imminent domestic violence  
211 by respondent.

212       (k) Petitioner seeks an injunction: ... (mark appropriate  
213 section or sections)...

214       ....Immediately restraining the respondent from committing  
215 any acts of domestic violence.

216       ....Restraining the respondent from committing any acts of  
217 domestic violence.

218       ....Awarding to the petitioner the temporary exclusive use  
219 and possession of the dwelling that the parties share or  
220 excluding the respondent from the residence of the petitioner.

221       ....Providing a temporary parenting plan, including a  
222 temporary time-sharing schedule, with regard to the minor child  
223 or children of the parties which might involve prohibiting or  
224 limiting time-sharing or requiring that it be supervised by a  
225 third party.

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226        ....Designating that the exchange of the minor child or  
 227        children of the parties must occur at a neutral safe exchange  
 228        location as provided in s. 125.01(8) or a location authorized by  
 229        a supervised visitation program as defined in s. 753.01 if  
 230        temporary time-sharing of the child is awarded to the  
 231        respondent.

232        ....Establishing temporary support for the minor child or  
 233        children or the petitioner.

234        ....Directing the respondent to participate in a batterers'  
 235        intervention program.

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

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

245            1. Restraining the respondent from committing any acts of  
 246            domestic violence.

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

250            3. On the same basis as provided in s. 61.13, providing

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251 the petitioner a temporary parenting plan, including a time-  
 252 sharing schedule, which may award the petitioner up to 100  
 253 percent of the time-sharing. If temporary time-sharing is  
 254 awarded to the respondent, the exchange of the child must occur  
 255 at a neutral safe exchange location as provided in s. 125.01(8)  
 256 or a location authorized by a supervised visitation program as  
 257 defined in s. 753.01 if the court determines it is in the best  
 258 interests of the child after consideration of all of the factors  
 259 specified in s. 61.13(3). The temporary parenting plan remains  
 260 in effect until the order expires or an order is entered by a  
 261 court of competent jurisdiction in a pending or subsequent civil  
 262 action or proceeding affecting the placement of, access to,  
 263 parental time with, adoption of, or parental rights and  
 264 responsibilities for the minor child.

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

273 ~~5.4.~~ Awarding to the petitioner the temporary exclusive  
 274 care, possession, or control of an animal that is owned,  
 275 possessed, harbored, kept, or held by the petitioner, the

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

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

291 1. Restraining the respondent from committing any acts of  
292 domestic violence.

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

296 3. On the same basis as provided in chapter 61, providing  
297 the petitioner with 100 percent of the time-sharing in a  
298 temporary parenting plan that remains in effect until the order  
299 expires or an order is entered by a court of competent  
300 jurisdiction in a pending or subsequent civil action or

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301 proceeding affecting the placement of, access to, parental time  
302 with, adoption of, or parental rights and responsibilities for  
303 the minor child.

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

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

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

325 ~~7.6.~~ Referring a petitioner to a certified domestic

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326 violence center. The court must provide the petitioner with a  
327 list of certified domestic violence centers in the circuit which  
328 the petitioner may contact.

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

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

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

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351 | addition to other civil or criminal remedies.

352 |       Section 6. This act shall take effect July 1, 2024.