

By Senator Yarborough

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

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

23
24 Section 1. This act may be cited as the "Cassie Carli Law."

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

27 61.13 Support of children; parenting and time-sharing;
28 powers of court.—

29 (2)

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

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

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

38 3. Designate who will be responsible for:

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

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

45 c. Other activities.~~†~~ ~~and~~

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

48 5. Unless otherwise agreed to by both parents in writing,
49 designate authorized locations for the exchange of the child.
50 The court may require the parents to exchange the child at a
51 neutral safe exchange location as provided in s. 125.01(8) or at
52 a location authorized by a supervised visitation program as
53 defined in s. 753.01 if, upon the presentation of competent
54 substantial evidence that there is a risk or an imminent threat
55 of harm to one party or the child during the exchange of the
56 child, the court finds that such requirement is necessary to
57 ensure the safety of a parent or the child and that it is in the
58 best interests of the child after consideration of all of the

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59 factors listed in subsection (3).

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

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

78 Section 4. Subsection (8) is added to section 125.01,
79 Florida Statutes, to read:

80 125.01 Powers and duties.—

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

86 (b) Each parking lot designated as a neutral safe exchange
87 location must have a purple light or a sign on the parking lot

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88 premises to clearly identify the designated area as a neutral
 89 safe exchange location. The neutral safe exchange location must:

90 1. Be accessible 24 hours a day, 7 days a week;
 91 2. Provide adequate lighting and an external video
 92 surveillance system that records continuously, 24 hours a day, 7
 93 days a week; and

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

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

102 741.30 Domestic violence; injunction; powers and duties of
 103 court and clerk; petition; notice and hearing; temporary
 104 injunction; issuance of injunction; statewide verification
 105 system; enforcement; public records exemption.—

106 (3)

107 (b) The sworn petition shall be in substantially the
 108 following form:

109

110 PETITION FOR
 111 INJUNCTION FOR PROTECTION
 112 AGAINST DOMESTIC VIOLENCE
 113

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

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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

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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.

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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:

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

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

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

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

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

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

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

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

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262 parental time with, adoption of, or parental rights and
263 responsibilities for the minor child.

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

273 5. Awarding to the petitioner the temporary exclusive care,
274 possession, or control of an animal that is owned, possessed,
275 harbored, kept, or held by the petitioner, the respondent, or a
276 minor child residing in the residence or household of the
277 petitioner or respondent. The court may order the respondent to
278 temporarily have no contact with the animal and prohibit the
279 respondent from taking, transferring, encumbering, concealing,
280 harming, or otherwise disposing of the animal. This subparagraph
281 does not apply to an animal owned primarily for a bona fide
282 agricultural purpose, as defined under s. 193.461, or to a
283 service animal, as defined under s. 413.08, if the respondent is
284 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:

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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
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 at a location authorized
309 by a supervised visitation program as defined in s. 753.01 if
310 the court determines it is in the best interests of the child
311 after consideration of all of the factors specified in s.
312 61.13(3).

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

319 ~~6.5.~~ Ordering the respondent to participate in treatment,

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

326 7.6. Referring a petitioner to a certified domestic
327 violence center. The court must provide the petitioner with a
328 list of certified domestic violence centers in the circuit which
329 the petitioner may contact.

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

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

346 (c) The terms of an injunction restraining the respondent
347 under subparagraph (a)1. or ordering other relief for the
348 protection of the victim under subparagraph (a)9. ~~(a)8.~~ shall

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349 remain in effect until modified or dissolved. Either party may
350 move at any time to modify or dissolve the injunction. No
351 specific allegations are required. Such relief may be granted in
352 addition to other civil or criminal remedies.

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