

1 A bill to be entitled
2 An act relating to child welfare; providing a short
3 title; amending s. 39.01, F.S.; revising the
4 definitions of the terms "abuse" and "false report";
5 creating s. 39.0111, F.S.; specifying that every Child
6 Protection Team investigator employed by the
7 Department of Children and Families is required to
8 perform all specified duties; providing criminal
9 penalties; requiring the department to establish
10 procedures for reporting and investigating Child
11 Protection Team investigators who violate specified
12 provisions; requiring the department to report such
13 violations to the applicable law enforcement agency;
14 creating s. 39.01391, F.S.; requiring the department
15 to verify, and seek up-to-date and accurate records
16 of, the parenting plan or court-ordered custody
17 arrangement, if one exists, as part of every
18 investigation involving parents or guardians who
19 reside in separate households; requiring the
20 department to enforce parenting plans and court-
21 ordered custody arrangements; requiring the department
22 to verify that specified rights are not being
23 unlawfully denied and that certain violations have not
24 occurred; requiring the department to report such
25 violations to the applicable law enforcement agency;

26 providing responsibilities of the department relating
27 to ambiguities in parenting plans or court-ordered
28 custody arrangements; amending s. 39.201, F.S.;
29 requiring that anonymous reports of child abuse,
30 abandonment, or neglect be subject to closer scrutiny
31 than reports made by a person who identifies himself
32 or herself; prohibiting anonymous reports from being
33 afforded the same presumption of good faith as reports
34 made by a person who identifies himself or herself;
35 amending s. 39.205, F.S.; requiring, rather than
36 authorizing, the department to immediately discontinue
37 all investigative activities under certain
38 circumstances; specifying that a person who makes a
39 false report of child abuse, abandonment, or neglect
40 is not entitled to confidentiality under a certain
41 provision; deleting a provision providing immunity
42 from liability for a person who acts in good faith in
43 making such a report; amending s. 39.206, F.S.;
44 expanding the circumstances under which the department
45 may impose fines on persons who make certain anonymous
46 reports; amending s. 39.301, F.S.; revising the
47 definition of the term "criminal conduct"; amending s.
48 61.046, F.S.; revising the definition of the term
49 "parenting plan" to include the requirement that
50 parenting plans include specified information;

51 creating s. 61.44, F.S.; requiring a law enforcement
52 officer to accompany and assist a parent or legal
53 guardian experiencing interference with custody in
54 locating the child and to enforce such parent's or
55 legal guardian's custody or visitation rights;
56 creating s. 61.5085, F.S.; defining the terms
57 "emergency hearing" and "vulnerable adult"; requiring
58 a court to grant an emergency hearing upon making a
59 specified finding; requiring a court to set an
60 emergency hearing within a specified timeframe after
61 the filing of a motion alleging that certain
62 violations have occurred; requiring that motions for
63 emergency hearings be supported by a certain affidavit
64 or verified statement; requiring the court to provide
65 notice of the emergency hearing; authorizing the court
66 to issue temporary orders at the emergency hearing;
67 specifying requirements for a full hearing; amending
68 s. 402.56, F.S.; requiring that the Children and Youth
69 Cabinet meet at least quarterly, rather than at least
70 four times each year; requiring the posting of
71 specified information on a public website managed by
72 the Executive Office of the Governor; expanding the
73 membership of the Children and Youth Cabinet to
74 include a member appointed by the citizen support
75 organization for Florida Missing Children's Day;

76 requiring that the Children and Youth Cabinet submit
77 quarterly, rather than annual, reports to the
78 Governor, the Legislature, and the public; providing
79 requirements for the reports; amending s. 402.57,
80 F.S.; requiring one member of the board of directors
81 for the direct-support organization of the department
82 to also serve on the board by the citizen support
83 organization for Florida Missing Children's Day;
84 amending s. 683.23, F.S.; including children missing
85 due to family abduction or custody interference among
86 those remembered on Florida Missing Children's Day;
87 amending s. 683.231, F.S.; requiring that the citizen
88 support organization for Florida Missing Children's
89 Day appoint one person to the Children and Youth
90 Cabinet, one person to the direct-support organization
91 of the department, and one person to each judicial
92 circuit's Family Law Advocacy Group; amending s.
93 741.28, F.S.; revising the definition of the term
94 "domestic violence"; amending s. 741.29, F.S.;
95 specifying that if a family or household member
96 unlawfully takes or retains another family or
97 household member who is a minor or vulnerable adult,
98 and denies another family or household member's lawful
99 right to custody or visitation of that minor or
100 vulnerable adult, he or she commits an act of domestic

101 violence; providing applicability; amending s. 787.01,
102 F.S.; clarifying a provision regarding confinement of
103 certain children as it relates to the definition of
104 the term "kidnapping"; making technical changes;
105 amending s. 787.03, F.S.; providing legislative
106 intent; revising the elements of the offense of
107 interference with custody; providing criminal
108 penalties; prohibiting law enforcement officers from
109 becoming involved in the merits of certain disputes or
110 with certain individuals' preferences relating to
111 custody or visitation rights; authorizing law
112 enforcement officers to locate certain individuals and
113 enforce parenting plans or court orders; providing
114 applicability; providing requirements for law
115 enforcement officers who investigate alleged incidents
116 of interference with custody; providing requirements
117 for a specified notice; providing requirements for law
118 enforcement officers when responding to alleged
119 incidents of interference with custody; requiring law
120 enforcement officers to produce a certain report;
121 requiring that the report include specified
122 information; revising defenses to the offense of
123 interference with custody; requiring law enforcement
124 agencies to adopt certain policies and procedures and
125 create and implement specified annual trainings;

126 deleting provisions relating to applicability;
127 deleting a provision relating to information protected
128 from public records; amending s. 827.03, F.S.;
129 revising the definition of the term "child abuse";
130 creating s. 1003.042, F.S.; specifying that schools
131 are responsible for and are required to enforce and
132 adhere to any parenting plan or court order that
133 specifies custody arrangements; providing
134 applicability; requiring schools to keep on file up-
135 to-date and accurate records of the parenting plan or
136 court order; specifying that parents or guardians of a
137 child must be given the opportunity to provide the
138 school with certain information; requiring schools to
139 verify the identity and custody rights of any
140 individual requesting to pick up a child from school
141 premises; requiring schools to establish and implement
142 clear policies to address and manage situations where
143 the parenting plan or court order may be ambiguous;
144 requiring schools to ensure that a child is released
145 only to the designated parent or guardian, or to an
146 individual explicitly authorized by the parent or
147 guardian who has custodial rights on that specific day
148 as specified in the court order or parenting plan;
149 providing criminal penalties; amending s. 61.45, F.S.;
150 conforming a provision to changes made by the act;

151 amending s. 921.0022, F.S.; conforming a cross-
152 reference; conforming a provision to changes made by
153 the act; reenacting ss. 39.205(8), 39.301(2)(b),
154 61.125(4)(b), 61.13(2)(c), 61.401, 61.402(3),
155 95.11(8), 154.067(2), 390.01114(2)(b), 393.067(4)(g),
156 (7), and (9), 395.1023(2), 744.309(3), and
157 1001.42(8)(c), F.S., relating to penalties relating to
158 reporting of child abuse, abandonment, or neglect; the
159 initiation of protective investigations; parenting
160 coordination; support of children, parenting and time-
161 sharing, and powers of the court; appointment of
162 guardians ad litem; qualifications of guardians ad
163 litem; limitations other than for the recovery of real
164 property; the Parental Notice of and Consent for
165 Abortion Act; duties for child abuse and neglect
166 cases; facility licensure; duties for child abuse and
167 neglect cases; who may be appointed guardian of a
168 resident ward; and powers and duties of district
169 school boards, respectively, to incorporate the
170 amendment made to s. 39.01, F.S., in references
171 thereto; reenacting s. 39.101(3)(a), F.S., relating to
172 the central abuse hotline, to incorporate the
173 amendment made to s. 39.206, F.S., in a reference
174 thereto; reenacting ss. 63.089(4)(b), 787.04(5),
175 901.15(8), and 943.0584(2)(y), F.S., relating to

176 proceeding to terminate parental rights pending
 177 adoption; removing minors from state or concealing
 178 minors contrary to state agency order or court order;
 179 when arrest by officer without warrant is lawful; and
 180 criminal history records ineligible for court-ordered
 181 expunction or court-ordered sealing, respectively, to
 182 incorporate the amendment made to s. 827.03, F.S., in
 183 references thereto; providing an effective date.

184

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

186

187 **Section 1.** This act may be cited as the "Child Safety and
 188 Custody Compliance Act."

189 **Section 2. Subsections (2) and (27) of section 39.01,**
 190 **Florida Statutes, are amended to read:**

191 39.01 Definitions.—When used in this chapter, unless the
 192 context otherwise requires:

193 (2) "Abuse" means any willful act or threatened act,
 194 defined by the nature of the act or threat rather than by its
 195 outcome, that results in any physical, mental, or sexual abuse,
 196 injury, or harm that causes or is likely to cause significant
 197 impairment to the child's physical, mental, or emotional health
 198 to be significantly impaired. In the context of abuse of a
 199 child, the term includes any direct or indirect action or
 200 omission that impacts the child's well-being, even if the action

201 or omission does not result in actual injury. The term also
 202 ~~Abuse of a child~~ includes the birth of a new child into a family
 203 during the course of an open dependency case when the parent or
 204 caregiver has been determined to lack the protective capacity to
 205 safely care for the children in the home and has not
 206 substantially complied with the case plan towards successful
 207 reunification or met the conditions for return of the children
 208 into the home. The term also includes a violation of s. 787.03,
 209 relating to interference with custody ~~Abuse of a child includes~~
 210 ~~acts or omissions~~. Corporal discipline of a child by a parent or
 211 legal custodian for disciplinary purposes does not in itself
 212 constitute abuse when it does not result in harm to the child.

213 (27) "False report" means a report of abuse, neglect, or
 214 abandonment of a child to the central abuse hotline, which
 215 report is ~~maliciously made for the purpose of:~~

216 (a) Maliciously made for the purpose of:

- 217 1. Harassing, embarrassing, or harming another person;
- 218 2. ~~(b)~~ Personal financial gain for the reporting person;
- 219 3. ~~(c)~~ Acquiring custody of a child; or
- 220 4. ~~(d)~~ Personal benefit for the reporting person in any
 221 other private dispute involving a child; or

222 (b) Willfully, or with severe recklessness or ignorance,
 223 made:

- 224 1. Without reasonable cause, lacking substantial evidence,
 225 or due to a misunderstanding, lack of knowledge, or incomplete

226 information; or

227 2. Without a genuine purpose to protect the child from
228 abuse or neglect.

229

230 The term "~~false report~~" does not include a report of abuse,
231 neglect, or abandonment of a child made in good faith to the
232 central abuse hotline.

233 **Section 3. Section 39.0111, Florida Statutes, is created**
234 **to read:**

235 39.0111 Accountability of Child Protection Team
236 investigators.-

237 (1) Every Child Protection Team investigator employed by
238 the department must perform all duties required under this
239 chapter, including, but not limited to, the investigation of
240 reports of child abuse, abandonment, or neglect and the
241 verification of parenting plans or court-ordered custody
242 arrangements.

243 (2) Notwithstanding s. 39.011, any Child Protection Team
244 investigator who willfully fails to perform his or her duties
245 under this chapter commits a misdemeanor of the second degree,
246 punishable as provided in s. 775.082 or s. 775.083.

247 (3) The department shall establish procedures for
248 reporting and investigating Child Protection Team investigators
249 who violate this section, and the department shall report
250 violations of subsection (2) to the applicable law enforcement

251 agency.

252 **Section 4. Section 39.01391, Florida Statutes, is created**
253 **to read:**

254 39.01391 Department responsibilities regarding custody and
255 visitation.—

256 (1) VERIFICATION OF CUSTODY ARRANGEMENTS.—The department
257 must verify the parenting plan or court-ordered custody
258 arrangement, if one exists, as part of every investigation
259 involving parents or guardians who reside in separate
260 households, regardless of the nature of the initial complaint.
261 This verification is essential to ensure compliance with custody
262 and visitation orders and to address any violations of legal
263 protections for the child-parent relationship. The department
264 must seek an up-to-date and accurate record of the parenting
265 plan or court-ordered custody arrangement from either the family
266 or the clerk of the court.

267 (2) ENFORCEMENT OF PARENTING PLANS AND CUSTODY
268 ARRANGEMENTS.—The department shall ensure that a child is with
269 the parent who is lawfully responsible for the child on that
270 specific day as specified in the parenting plan or court-ordered
271 custody arrangement. Additionally, the department is responsible
272 for verifying that the child is not being unlawfully denied
273 access to a parent, that a parent is not being unlawfully denied
274 his or her custody or visitation rights to the child, and that a
275 violation of s. 741.29(8), s. 787.01, s. 787.03, or s. 827.03

276 has not occurred. The requirement in this subsection applies in
277 cases where parents or guardians reside in separate households
278 and share custody of the child. Upon verifying a violation, the
279 department shall report violations to the applicable law
280 enforcement agency.

281 (3) ADDRESSING AMBIGUITIES.—If the department finds any
282 ambiguities in reviewing the parenting plan or court-ordered
283 custody arrangement, the department is responsible for verifying
284 that the child is not being unlawfully denied access to a parent
285 or guardian. The department shall consult with the parents or
286 guardians to resolve any uncertainties regarding custody
287 arrangements to ensure the child's safety and proper custody and
288 visitation rights.

289 **Section 5. Paragraph (b) of subsection (1) of section**
290 **39.201, Florida Statutes, is amended to read:**

291 39.201 Required reports of child abuse, abandonment, or
292 neglect, sexual abuse of a child, and juvenile sexual abuse;
293 required reports of death; reports involving a child who has
294 exhibited inappropriate sexual behavior.—

295 (1) MANDATORY REPORTING.—

296 (b)1. A person from the general public may make a report
297 to the central abuse hotline anonymously if he or she chooses to
298 do so. However, an anonymous report must be more closely
299 scrutinized and may not be afforded the same presumption of good
300 faith as a report made by a person who identifies himself or

301 herself.

302 2. A person making a report to the central abuse hotline
 303 whose occupation is in any of the following categories is
 304 required to provide his or her name to the central abuse hotline
 305 counselors:

306 a. Physician, osteopathic physician, medical examiner,
 307 chiropractic physician, nurse, or hospital personnel engaged in
 308 the admission, examination, care, or treatment of persons;

309 b. Health care professional or mental health professional
 310 other than a person listed in sub-subparagraph a.;

311 c. Practitioner who relies solely on spiritual means for
 312 healing;

313 d. School teacher or other school official or personnel;

314 e. Social worker, day care center worker, or other
 315 professional child care worker, foster care worker, residential
 316 worker, or institutional worker;

317 f. Law enforcement officer;

318 g. Judge; or

319 h. Animal control officer as defined in s. 828.27(1)(b) or
 320 agent appointed under s. 828.03.

321 **Section 6. Subsections (8) and (9) of section 39.205,**
 322 **Florida Statutes, are amended to read:**

323 39.205 Penalties relating to reporting of child abuse,
 324 abandonment, or neglect.—

325 (8) If the department or its authorized agent has

326 determined during the course of its investigation that a report
327 is a false report, the department must immediately ~~may~~
328 discontinue all investigative activities and must ~~shall~~, with
329 the consent of the alleged perpetrator, refer the report to the
330 local law enforcement agency having jurisdiction for an
331 investigation to determine whether sufficient evidence exists to
332 refer the case for prosecution for filing a false report as
333 defined in s. 39.01. During the pendency of the investigation,
334 the department must notify the local law enforcement agency of,
335 and the local law enforcement agency must respond to, all
336 subsequent reports concerning children in that same family in
337 accordance with s. 39.301. If the law enforcement agency
338 believes that there are indicators of abuse, abandonment, or
339 neglect, it must immediately notify the department, which must
340 ensure the safety of the children. If the law enforcement agency
341 finds sufficient evidence for prosecution for filing a false
342 report, it must refer the case to the appropriate state attorney
343 for prosecution.

344 (9) A person who knowingly and willfully makes a false
345 report of child abuse, abandonment, or neglect, or who advises
346 another to make a false report, is guilty of a felony of the
347 third degree, punishable as provided in s. 775.082 or s.
348 775.083. A person who is determined to have filed a false report
349 of child abuse, abandonment, or neglect is not entitled to
350 confidentiality pursuant to s. 39.206(9) ~~Anyone making a report~~

351 ~~who is acting in good faith is immune from any liability under~~
352 ~~this subsection.~~

353 **Section 7. Subsection (1) of section 39.206, Florida**
354 **Statutes, is amended to read:**

355 39.206 Administrative fines for false report of abuse,
356 abandonment, or neglect of a child; civil damages.—

357 (1) In addition to any other penalty authorized by this
358 section, chapter 120, or other law, the department may impose a
359 fine, not to exceed \$10,000 for each violation, upon a person
360 who:

361 (a) Knowingly and willfully makes a false report of abuse,
362 abandonment, or neglect of a child, or a person who counsels
363 another to make a false report; or

364 (b) Makes an anonymous report with recklessness,
365 negligence, or in the absence of substantial evidence and
366 genuine intent to protect the child, if the anonymous reporter
367 is identifiable through lawful means.

368 **Section 8. Paragraph (b) of subsection (2) of section**
369 **39.301, Florida Statutes, is amended to read:**

370 39.301 Initiation of protective investigations.—

371 (2)

372 (b) As used in this subsection, the term "criminal
373 conduct" means:

374 1. A child is known or suspected to be the victim of child
375 abuse, as defined in s. 827.03, or of neglect of a child, as

376 defined in s. 827.03.

377 2. A child is known or suspected to have died as a result
378 of abuse or neglect.

379 3. A child is known or suspected to be the victim of
380 aggravated child abuse, as defined in s. 827.03.

381 4. A child is known or suspected to be the victim of
382 sexual battery, as defined in s. 827.071, or of sexual abuse, as
383 defined in s. 39.01.

384 5. A child is known or suspected to be the victim of
385 institutional child abuse or neglect, as defined in s. 39.01,
386 and as provided for in s. 39.302(1).

387 6. A child is known or suspected to be the victim of
388 interference with custody in violation of s. 787.03.

389 7. A child is known or suspected to be a victim of human
390 trafficking, as provided in s. 787.06.

391 **Section 9. Paragraph (a) of subsection (14) of section**
392 **61.046, Florida Statutes, is amended to read:**

393 61.046 Definitions.—As used in this chapter, the term:

394 (14) "Parenting plan" means a document created to govern
395 the relationship between the parents relating to decisions that
396 must be made regarding the minor child and must contain a time-
397 sharing schedule for the parents and child. The issues
398 concerning the minor child may include, but are not limited to,
399 the child's education, health care, and physical, social, and
400 emotional well-being. In creating the plan, all circumstances

401 between the parents, including their historic relationship,
 402 domestic violence, and other factors must be taken into
 403 consideration.

404 (a) The parenting plan must ~~be~~:

405 1. Be developed and agreed to by the parents and approved
 406 by a court; or

407 2. Be established by the court, with or without the use of
 408 a court-ordered parenting plan recommendation, if the parents
 409 cannot agree to a plan or the parents agreed to a plan that is
 410 not approved by the court; and

411 3. Include the full text of s. 61.44, which requires a law
 412 enforcement officer to accompany and assist a parent or legal
 413 guardian experiencing interference with custody in locating the
 414 child and enforcing the parent's or legal guardian's custody or
 415 visitation rights.

416 **Section 10. Section 61.44, Florida Statutes, is created to**
 417 **read:**

418 61.44 Enforcement of parenting plan or court order by law
 419 enforcement officers.—A law enforcement officer shall accompany
 420 and assist a parent or legal guardian experiencing interference
 421 with custody, prohibited under s. 787.03, in locating the child
 422 and shall enforce each parent's or legal guardian's custody or
 423 visitation rights as specified in the agreed-upon parenting plan
 424 or court order.

425 **Section 11. Section 61.5085, Florida Statutes, is created**

426 **to read:**

427 61.5085 Emergency hearings in custody and visitation
428 disputes.-

429 (1) DEFINITIONS.-As used in this section, the term:

430 (a) "Emergency hearing" means a judicial proceeding
431 scheduled and conducted expeditiously to address matters
432 requiring immediate attention due to the potential for imminent
433 or irreparable harm to a child or vulnerable adult involved in a
434 legal dispute. Such hearings are intended to provide temporary
435 relief until a full hearing on the merits of the case can be
436 conducted.

437 (b) "Vulnerable adult" has the same meaning as in s.
438 415.102.

439 (2) CRITERIA.-A court must grant an emergency hearing upon
440 making a finding that:

441 (a) Due to a violation of an injunction for protection
442 against domestic violence or s. 827.03(2), there is a credible
443 threat to the physical safety or emotional well-being of a child
444 or vulnerable adult;

445 (b) There is a risk of significant financial harm if
446 immediate action is not taken; or

447 (c) A violation of s. 787.03, or a credible threat related
448 to interference with custody, has occurred.

449 (3) EMERGENCY HEARINGS.-The court shall set an emergency
450 hearing date within 3 business days after the filing of a motion

451 alleging that a violation has occurred as listed in subsection
452 (2).

453 (a) The motion for an emergency hearing must include an
454 affidavit or a verified statement detailing the facts
455 constituting the violation and justifying the need for immediate
456 judicial intervention, including, but not limited to:

457 1. Evidence of a violation of an existing court order
458 regarding custody or visitation; or

459 2. Specific actions taken by the alleged offending party
460 which constitute interference with an established custody or
461 visitation arrangement.

462 (b) The court shall provide notice of the emergency
463 hearing to all parties involved, ensuring that the notice period
464 does not delay the hearing beyond the 3-business-day
465 requirement.

466 (c) At the emergency hearing, the court may issue
467 temporary orders to ensure the immediate safety and welfare of
468 the child or vulnerable adult, including, but not limited to:

469 1. Modifying a custody or visitation arrangement;

470 2. Ordering the immediate return of the child or
471 vulnerable adult to the lawful custodian; or

472 3. Implementing measures to prevent further interference,
473 such as a restraining order or supervised visitation.

474 (4) FULL HEARING.—A full hearing on the merits of the case
475 must be scheduled within 30 calendar days after the emergency

476 hearing to allow for a thorough examination of the allegations
477 and to determine appropriate long-term custody or visitation
478 arrangements. Any temporary orders issued at the emergency
479 hearing remain in effect until modified by the court at the full
480 hearing.

481 **Section 12. Paragraph (c) of subsection (3) and**
482 **subsections (4) and (7) of section 402.56, Florida Statutes, are**
483 **amended to read:**

484 402.56 Children's cabinet; organization; responsibilities;
485 annual report.—

486 (3) ORGANIZATION.—There is created the Children and Youth
487 Cabinet, which is a coordinating council as defined in s. 20.03.

488 (c) The cabinet shall meet at least quarterly ~~four times~~
489 ~~each year~~, but no more than six times each year, in different
490 regions of the state in order to solicit input from the public
491 and any other individual offering testimony relevant to the
492 issues considered. Each meeting must include a public comment
493 session. The time and location of each meeting must be posted at
494 least 30 days before the meeting date on a public website
495 managed by the Executive Office of the Governor and the posting
496 must include instructions for accessing the meeting remotely to
497 enable public participation.

498 (4) MEMBERS.—The cabinet shall consist of 17 ~~16~~ members,
499 including the Governor and the following persons:

500 (a)1. The Secretary of Children and Families;

- 501 2. The Secretary of Juvenile Justice;
- 502 3. The director of the Agency for Persons with
- 503 Disabilities;
- 504 4. A representative from the Division of Early Learning;
- 505 5. The State Surgeon General;
- 506 6. The Secretary of Health Care Administration;
- 507 7. The Commissioner of Education;
- 508 8. The director of the Statewide Guardian Ad Litem Office;
- 509 9. A representative of the Office of Adoption and Child
- 510 Protection;
- 511 10. A superintendent of schools, appointed by the
- 512 Governor; ~~and~~
- 513 11. Five members who represent children and youth advocacy
- 514 organizations and who are not service providers, appointed by
- 515 the Governor; and
- 516 12. A member appointed by the citizen support organization
- 517 for Florida Missing Children's Day.
- 518 (b) The President of the Senate, the Speaker of the House
- 519 of Representatives, the Chief Justice of the Supreme Court, the
- 520 Attorney General, and the Chief Financial Officer, or their
- 521 appointed designees, shall serve as ex officio members of the
- 522 cabinet.
- 523 (c) The Governor or the Governor's designee shall serve as
- 524 the chair of the cabinet.
- 525 (d) Nongovernmental members of the cabinet shall serve

526 without compensation, but are entitled to receive per diem and
527 travel expenses in accordance with s. 112.061 while in
528 performance of their duties.

529 (7) QUARTERLY REPORTS ~~ANNUAL REPORT~~.—The Children and
530 Youth Cabinet shall, by February 1, May 1, August 1, and
531 November 1 of each year, provide a ~~an annual~~ report to the
532 Governor, the President of the Senate, the Speaker of the House
533 of Representatives, and the public concerning its activities and
534 progress towards making this state the first place families
535 think of when asked, "Where do you ~~they~~ want to raise your ~~their~~
536 children?" Each quarterly report must be made publicly available
537 on a website managed by the Executive Office of the Governor and
538 must ~~The annual report may~~ include recommendations for any
539 needed legislation or rulemaking authority.

540 **Section 13. Paragraph (c) of subsection (1) of section**
541 **402.57, Florida Statutes, is amended to read:**

542 402.57 Direct-support organizations.—

543 (1) DEPARTMENT OF CHILDREN AND FAMILIES.—The Department of
544 Children and Families is authorized to create a direct-support
545 organization, the sole purpose of which is to support the
546 department in carrying out its purposes and responsibilities.

547 (c) The Secretary of Children and Families shall appoint
548 the board of directors of the direct-support organization. The
549 board members shall be appointed according to the organization's
550 bylaws. One board member must also be a member appointed

551 pursuant to s. 683.231(6) by the citizen support organization
552 for Florida Missing Children's Day.

553 **Section 14. Section 683.23, Florida Statutes, is amended**
554 **to read:**

555 683.23 Florida Missing Children's Day.—The second Monday
556 in September of each year is hereby designated as "Florida
557 Missing Children's Day" in remembrance of Florida's past and
558 present missing children, including children missing due to
559 family abduction or to interference with custody, and in
560 recognition of this ~~our~~ state's continued efforts to protect the
561 safety of children through prevention, education, and community
562 involvement.

563 **Section 15. Present subsections (6) and (7) of section**
564 **683.231, Florida Statutes, are redesignated as subsections (8)**
565 **and (9), respectively, and new subsections (6) and (7) are added**
566 **to that section, to read:**

567 683.231 Citizen support organization for Florida Missing
568 Children's Day.—

569 (6) The citizen support organization shall appoint one
570 person to the Children and Youth Cabinet as provided in s.
571 402.56 and one person to be a member of the direct-support
572 organization of the Department of Children and Families as
573 provided in s. 402.57.

574 (7) The citizen support organization shall appoint one
575 person to each judicial circuit's Family Law Advisory Group.

576 **Section 16. Subsection (2) of section 741.28, Florida**
 577 **Statutes, is amended to read:**

578 741.28 Domestic violence; definitions.—As used in ss.
 579 741.28-741.31:

580 (2) "Domestic violence" means any assault, aggravated
 581 assault, battery, aggravated battery, sexual assault, sexual
 582 battery, stalking, aggravated stalking, abduction, kidnapping,
 583 false imprisonment, or any criminal offense resulting in
 584 physical injury or death of one family or household member,
 585 including a minor or a vulnerable adult as defined in s.
 586 415.102, by another family or household member.

587 **Section 17. Subsection (8) is added to section 741.29,**
 588 **Florida Statutes, to read:**

589 741.29 Domestic violence; investigation of incidents;
 590 notice to victims of legal rights and remedies; reporting.—

591 (8) If a family or household member unlawfully takes or
 592 retains another family or household member who is a minor or
 593 vulnerable adult, and denies another family or household
 594 member's lawful right to custody or visitation of that minor or
 595 vulnerable adult, he or she commits an act of domestic violence.
 596 This subsection applies regardless of the existence of a court
 597 order. Such offenses shall be addressed under the appropriate
 598 injunction statutes, including s. 741.30 or s. 784.046.

599 **Section 18. Subsection (1) of section 787.01, Florida**
 600 **Statutes, is amended to read:**

601 787.01 Kidnapping; kidnapping of child under age 13,
 602 aggravating circumstances.—

603 (1) (a) As used in this section, the term "kidnapping"
 604 means forcibly, secretly, or by threat confining, abducting, or
 605 imprisoning another person against her or his will and without
 606 lawful authority, with intent to:

- 607 1. Hold for ransom or reward or as a shield or hostage.
- 608 2. Commit or facilitate commission of any felony.
- 609 3. Inflict bodily harm upon or to terrorize the victim or
 610 another person.
- 611 4. Interfere with the performance of any governmental or
 612 political function.

613 (b) Confinement of a child under the age of 13 is against
 614 her or his will within the meaning of this subsection if such
 615 confinement is without the consent of all of her or his parents
 616 ~~parent~~ or legal guardians ~~guardian~~.

617 **Section 19. Section 787.03, Florida Statutes, is amended**
 618 **to read:**

619 787.03 Interference with custody; defenses; penalties.—

620 (1) It is the intent of the Legislature that interference
 621 with custody be treated as a criminal act rather than as a
 622 private matter.

623 (2) A person who, lacking legal authorization,
 624 demonstrates willful or wanton disregard for a parent's or legal
 625 guardian's rightful custody or visitation rights by engaging in

626 actions such as inviting, welcoming, accepting, concealing,
 627 withholding, taking, or enticing, or by assisting, supporting,
 628 hiring, or otherwise encouraging ~~Whoever, without lawful~~
 629 ~~authority, knowingly or recklessly takes or entices, or aids,~~
 630 ~~abets, hires, or otherwise procures~~ another to invite, welcome,
 631 accept, conceal, withhold, take, or entice, a ~~any~~ minor or an
 632 ~~any~~ incompetent person from the custody of the minor's or
 633 incompetent person's parent, his or her legal guardian, a public
 634 agency having the lawful charge of the minor or incompetent
 635 person, or any other lawful custodian, thereby denying the
 636 parent or legal guardian his or her lawful custody or visitation
 637 rights, commits the offense of interference with custody and
 638 commits a felony of the third degree, punishable as provided in
 639 s. 775.082, s. 775.083, or s. 775.084.

640 (3)(2) Regardless of the existence of an agreed-upon
 641 parenting plan or ~~In the absence of~~ a court order determining
 642 rights to custody or visitation with a ~~any~~ minor or an ~~with any~~
 643 ~~incompetent person, a ~~any~~ parent or legal guardian~~ of the minor
 644 ~~or incompetent person, whether natural or adoptive, stepparent,~~
 645 ~~legal guardian, or relative of the minor or incompetent person~~
 646 ~~who has custody thereof and who~~ does any of the following
 647 commits the offense of interference with custody, a felony of
 648 the third degree, punishable as provided in s. 775.082, s.
 649 775.083, or s. 775.084:

650 (a) Conceals, withholds, takes, detains, ~~conceals,~~ or

651 entices away the ~~that~~ minor or incompetent person within or
652 outside this ~~without the~~ state;

653 (b) Interferes with the other parent's or legal guardian's
654 ability to communicate with the minor or incompetent person
655 through telephone calls, text messages, or other forms of
656 electronic communication;

657 (c) Engages in behaviors aimed at undermining the
658 relationship between the minor or incompetent person and the
659 other parent or legal guardian;

660 (d) Engages in behaviors that disrupt scheduled visitation
661 or parenting time with the other parent or legal guardian; or

662 (e) Makes a false allegation or report to authorities,
663 such as accusing the other parent or legal guardian of abuse or
664 neglect, with willful or wanton disregard for the other parent's
665 or legal guardian's rightful custody or visitation rights in an
666 attempt to disrupt such rights.

667 (4) Law enforcement officers may not become involved in
668 the merits of a dispute or with a minor's or incompetent
669 person's preferences relating to custody or visitation rights.
670 Law enforcement officers are authorized to locate a minor or
671 incompetent person and enforce each parent's or legal guardian's
672 agreed-upon parenting plan or court order.

673 (5) The offenses described in subsections (2) and (3)
674 apply regardless of whether a subsequent court order is obtained
675 for custody or visitation; however, the offenses described in

676 subsections (2) and (3) do not apply if a court determines that
677 there is an immediate and evident threat of domestic violence as
678 defined in s. 741.28 and issues an injunction for protection
679 against domestic violence.

680 (6) A law enforcement officer who investigates an alleged
681 incident of interference with custody shall obtain a written
682 statement from the victim and witnesses concerning the alleged
683 incident of interference with custody and immediately give the
684 victim notice of the legal rights and remedies available on a
685 standard form developed and distributed by the Department of Law
686 Enforcement. The notice must include the following statement:

687
688 "If you are the victim of interference with custody, you have
689 the right to ask the state attorney to file a criminal
690 complaint. You also have the right to go to court and file a
691 petition requesting an injunction for protection from domestic
692 violence which may include, but need not be limited to,
693 provisions that restrain the abuser from further acts of abuse;
694 that award you custody of your minor child or children or an
695 incompetent person or persons; or that direct the abuser to pay
696 support to you and the minor child or children or incompetent
697 person or persons if the abuser has a legal obligation to do
698 so."

699 (7) In an alleged incident of interference with custody,
700 if the responding law enforcement officer believes that probable

701 cause does not exist, the officer may not make an arrest.
702 However, the law enforcement officer shall advise the
703 complainant of his or her right to have the case reviewed by the
704 state attorney's office by providing the complainant with a
705 nonarrest probable cause affidavit that he or she may file with
706 the state attorney's office. Regardless of whether an arrest is
707 made, the law enforcement officer shall produce a written report
708 that clearly indicates that the alleged offense was a case of
709 alleged interference with custody, and shall give the report to
710 his or her supervisor and file it with the law enforcement
711 agency in a manner that will allow data on interference with
712 custody cases to be compiled. Such report must include a copy of
713 the entire text of this section and all of the following
714 information:

715 (a) The ages and relationships of the minor children or
716 incompetent persons and adults involved in the alleged incident
717 of interference with custody.

718 (b) A copy of the agreed-upon parenting plan or court
719 order, or a statement acknowledging the absence of such a plan
720 or order, along with the law enforcement officer's evaluation of
721 each parent's or legal guardian's rights to custody or
722 visitation based on the law enforcement officer's review of the
723 agreed-upon parenting plan or court order.

724 (c) A statement by the law enforcement officer stating the
725 grounds for arresting or declining to arrest any individual

726 named in the alleged incident of interference with custody.

727 (d) A statement by the law enforcement officer indicating
728 that he or she provided the victim or the complainant with a
729 copy of the notice required under subsection (6) and an
730 explanation of the process for filing a nonarrest probable cause
731 affidavit with the state attorney's office ~~malicious intent to~~
732 ~~deprive another person of his or her right to custody of the~~
733 ~~minor or incompetent person commits a felony of the third~~
734 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
735 ~~775.084.~~

736 ~~(3) A subsequently obtained court order for custody or~~
737 ~~visitation does not affect application of this section.~~

738 (8)-(4) It is a defense to a violation of this section
739 that:

740 (a) The defendant had reasonable cause to believe that his
741 or her action was necessary to preserve the minor or the
742 incompetent person from danger to his or her welfare.

743 (b) The defendant ~~was the victim of an act of domestic~~
744 ~~violence or~~ had reasonable cause to believe that he or she was
745 about to become the victim of an act of domestic violence as
746 defined in s. 741.28, and the defendant had reasonable cause to
747 believe that the action was necessary in order for the defendant
748 to escape from, or protect himself or herself from, the domestic
749 violence or to preserve the minor or incompetent person from
750 exposure to the domestic violence.

751 (c) Without knowledge of an agreed-upon parenting plan or
752 a court order, the minor or incompetent person was taken away at
753 his or her own instigation without enticement and without
754 purpose to commit a criminal offense with or against the minor
755 or incompetent person, and the defendant establishes that it was
756 reasonable to rely on the instigating acts of the minor or
757 incompetent person.

758 ~~(9)(5)~~ Proof that a person has not attained ~~the age of~~ 18
759 years of age creates the presumption that the defendant knew the
760 minor's age or acted in reckless disregard thereof.

761 ~~(10)~~ Each law enforcement agency shall adopt written
762 policies and procedures for addressing cases of interference
763 with custody and shall create and implement annual training for
764 all law enforcement personnel and victim advocates.

765 ~~(6)(a)~~ ~~The offenses prescribed in subsections (1) and (2)~~
766 ~~do not apply in cases in which a person having a legal right to~~
767 ~~custody of a minor or incompetent person is the victim of any~~
768 ~~act of domestic violence, has reasonable cause to believe he or~~
769 ~~she is about to become the victim of any act of domestic~~
770 ~~violence, as defined in s. 741.28, or believes that his or her~~
771 ~~action was necessary to preserve the minor or the incompetent~~
772 ~~person from danger to his or her welfare and seeks shelter from~~
773 ~~such acts or possible acts and takes with him or her the minor~~
774 ~~or incompetent person.~~

775 ~~(b)~~ ~~In order to gain the exception conferred by paragraph~~

776 ~~(a), a person who takes a minor or incompetent person under this~~
777 ~~subsection must:~~

778 ~~1. Within 10 days after taking the minor or incompetent~~
779 ~~person, make a report to the sheriff's office or state~~
780 ~~attorney's office for the county in which the minor or~~
781 ~~incompetent person resided at the time he or she was taken,~~
782 ~~which report must include the name of the person taking the~~
783 ~~minor or incompetent person, the current address and telephone~~
784 ~~number of the person and minor or incompetent person, and the~~
785 ~~reasons the minor or incompetent person was taken.~~

786 ~~2. Within a reasonable time after taking a minor, commence~~
787 ~~a custody proceeding that is consistent with the federal~~
788 ~~Parental Kidnapping Prevention Act, 28 U.S.C. s. 1738A, or the~~
789 ~~Uniform Child Custody Jurisdiction and Enforcement Act, ss.~~
790 ~~61.501-61.542.~~

791 ~~3. Inform the sheriff's office or state attorney's office~~
792 ~~for the county in which the minor or incompetent person resided~~
793 ~~at the time he or she was taken of any change of address or~~
794 ~~telephone number of the person and the minor or incompetent~~
795 ~~person.~~

796 ~~(c)1. The current address and telephone number of the~~
797 ~~person and the minor or incompetent person which are contained~~
798 ~~in the report made to a sheriff or state attorney under~~
799 ~~paragraph (b) are confidential and exempt from s. 119.07(1) and~~
800 ~~s. 24(a), Art. I of the State Constitution.~~

801 ~~2. A sheriff or state attorney may allow an agency, as~~
802 ~~defined in s. 119.011, to inspect and copy records made~~
803 ~~confidential and exempt under this paragraph in the furtherance~~
804 ~~of that agency's duties and responsibilities.~~

805 **Section 20. Paragraph (b) of subsection (1) of section**
806 **827.03, Florida Statutes, is amended to read:**

807 827.03 Abuse, aggravated abuse, and neglect of a child;
808 penalties.—

809 (1) DEFINITIONS.—As used in this section, the term:

810 (b) "Child abuse" means:

811 1. Intentional infliction of physical or mental injury
812 upon a child;

813 2. An intentional act that could reasonably be expected to
814 result in physical or mental injury to a child; ~~or~~

815 3. Active encouragement of any person to commit an act
816 that results or could reasonably be expected to result in
817 physical or mental injury to a child; or

818 4. A violation of s. 787.03, relating to interference with
819 custody.

820 **Section 21. Section 1003.042, Florida Statutes, is created**
821 **to read:**

822 1003.042 Custody agreements; verification;
823 responsibilities.—

824 (1) CUSTODY AGREEMENTS.—Schools are responsible for and
825 are required to enforce and adhere to any parenting plan or

826 court order that specifies custody arrangements, including the
827 designated parent or legal guardian for student pickup. This
828 subsection applies in cases where parents or legal guardians
829 reside in separate households and share custody of a child.
830 Schools must keep on file an up-to-date and accurate record of
831 the parenting plan or court order.

832 (2) AUTHORIZATION LISTS.—The parents or legal guardians of
833 a child must be given the opportunity to provide the school with
834 their respective lists of authorized individuals who are
835 permitted to pick up the child during their time-sharing. These
836 lists must include the names and contact information of
837 individuals authorized for each parent or legal guardian.

838 (3) VERIFICATION OF IDENTITY AND CUSTODY RIGHTS.—A school
839 must verify the identity and custody rights of any individual
840 requesting to pick up a child from school premises. The school
841 may release the child only to an individual on the provided list
842 for the parent or legal guardian who has custodial rights on
843 that specific day as specified in the parenting plan or court
844 order.

845 (4) ADDRESSING AMBIGUITIES.—A school must establish and
846 implement clear policies to address and manage situations in
847 which the parenting plan or court order may be ambiguous.
848 Schools must consult with the parents or legal guardians of a
849 child to resolve any uncertainties regarding custody
850 arrangements or pick-up permissions.

851 (5) ENSURING SAFE RELEASE.—A school must ensure that the
852 child is released only to the designated parent or legal
853 guardian, or to an individual explicitly authorized by the
854 parent or legal guardian who has custodial rights on that
855 specific day as specified in the parenting plan or court order.
856 The unauthorized release of a child, in violation of this
857 subsection, may result in prosecution under s. 787.03. An
858 individual who releases a child to anyone other than the
859 designated parent or legal guardian or an authorized individual
860 when the school has on file a parenting plan or court order
861 commits a misdemeanor of the first degree, punishable as
862 provided in s. 775.082 or s. 775.083.

863 **Section 22. Subsection (7) of section 61.45, Florida**
864 **Statutes, is amended to read:**

865 61.45 Court-ordered parenting plan; risk of violation;
866 bond.—

867 (7) (a) Upon a material violation of any parenting plan by
868 removing a child from this state or country or by concealing the
869 whereabouts of a child, the court may order the bond or other
870 security forfeited in whole or in part.

871 (b) This section, including the requirement to post a bond
872 or other security, does not apply to a parent who, in a
873 proceeding to order or modify a parenting plan or time-sharing
874 schedule, is determined by the court to be a victim of an act of
875 domestic violence or provides the court with reasonable cause to

876 believe that he or she is about to become the victim of an act
 877 of domestic violence, as defined in s. 741.28. An injunction for
 878 protection against domestic violence issued pursuant to s.
 879 741.30 for a parent as the petitioner which is in effect at the
 880 time of the court proceeding shall be one means of demonstrating
 881 sufficient evidence that the parent is a victim of domestic
 882 violence or is about to become the victim of an act of domestic
 883 violence, as defined in s. 741.28, and shall exempt the parent
 884 from this section, including the requirement to post a bond or
 885 other security. ~~A parent who is determined by the court to be~~
 886 ~~exempt from the requirements of this section must meet the~~
 887 ~~requirements of s. 787.03(6) if an offense of interference with~~
 888 ~~the parenting plan or time-sharing schedule is committed.~~

889 **Section 23. Paragraph (d) of subsection (3) of section**
 890 **921.0022, Florida Statutes, is amended to read:**

891 921.0022 Criminal Punishment Code; offense severity
 892 ranking chart.—

893 (3) OFFENSE SEVERITY RANKING CHART

894 (d) LEVEL 4

895

Florida Statute	Felony Degree	Description
316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard

896

for safety while fleeing
 or attempting to elude
 law enforcement officer
 who is in a patrol
 vehicle with siren and
 lights activated.

897

499.0051 (1)

3rd

Failure to maintain or
 deliver transaction
 history, transaction
 information, or
 transaction statements.

898

499.0051 (5)

2nd

Knowing sale or
 delivery, or possession
 with intent to sell,
 contraband prescription
 drugs.

899

517.07 (1)

3rd

Failure to register
 securities.

900

517.12 (1)

3rd

Failure of dealer or
 associated person of a
 dealer of securities to

901			register.
901	784.031	3rd	Battery by strangulation.
902	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
903	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
904	784.075	3rd	Battery on detention or commitment facility staff.
905	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
906	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.

HB 193

2025

907	784.081 (3)	3rd	Battery on specified official or employee.
908	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
909	784.083 (3)	3rd	Battery on code inspector.
910	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
911	<u>787.03 (2)</u> 787.03 (1)	3rd	Interference with custody; wrongly takes minor <u>or incompetent person from parent or legal</u> appointed guardian.
912	787.04 (2)	3rd	Take, entice, or remove

913	787.04 (3)	3rd	child beyond state limits with criminal intent pending custody proceedings.
914	787.07	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
915	790.115 (1)	3rd	Human smuggling.
916	790.115 (2) (b)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
917			Possessing electric weapon or device, destructive device, or other weapon on school property.

918	790.115 (2) (c)	3rd	Possessing firearm on school property.
919	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
920	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
921	806.135	2nd	Destroying or demolishing a memorial or historic property.
922	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or

923			battery.
	810.06	3rd	Burglary; possession of tools.
924			
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
925			
	810.145 (3) (b)	3rd	Digital voyeurism dissemination.
926			
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
927			
	812.014 (2) (c) 4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
928			
	812.014 (2) (d) 2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.
929			

	812.014 (2) (e) 3.	3rd	Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
930	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
931	817.505 (4) (a)	3rd	Patient brokering.
932	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
933	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
934	817.5695 (3) (c)	3rd	Exploitation of person

935	817.625 (2) (a)	3rd	65 years of age or older, value less than \$10,000.
936	817.625 (2) (c)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
937	828.125 (1)	2nd	Possess, sell, or deliver skimming device.
938	836.14 (2)	3rd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
939	836.14 (3)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
			Person who willfully

			possesses a sexually explicit image with certain knowledge, intent, and purpose.
940	837.02 (1)	3rd	Perjury in official proceedings.
941	837.021 (1)	3rd	Make contradictory statements in official proceedings.
942	838.022	3rd	Official misconduct.
943	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
944	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
945	843.021	3rd	Possession of a concealed handcuff key

946			by a person in custody.
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
947			
	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
948			
	843.19 (2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
949			
	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
950			
	870.01 (3)	2nd	Aggravated rioting.
951			

952	870.01 (5)	2nd	Aggravated inciting a riot.
953	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
954	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
955	914.14 (2)	3rd	Witnesses accepting bribes.
956	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
957	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.

958	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
959	918.12	3rd	Tampering with jurors.
960	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
961	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
	951.22 (1) (h) , (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable

communication device
introduced into county
detention facility.

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Section 24. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a reference thereto, Subsection (8) of section 39.205, Florida Statutes, is reenacted to read:

39.205 Penalties relating to reporting of child abuse, abandonment, or neglect.—

(8) If the department or its authorized agent has determined during the course of its investigation that a report is a false report, the department may discontinue all investigative activities and shall, with the consent of the alleged perpetrator, refer the report to the local law enforcement agency having jurisdiction for an investigation to determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 39.01. During the pendency of the investigation, the department must notify the local law enforcement agency of, and the local law enforcement agency must respond to, all subsequent reports concerning children in that same family in accordance with s. 39.301. If the law enforcement agency believes that there are indicators of abuse, abandonment, or neglect, it must immediately notify the department, which must ensure the safety

984 of the children. If the law enforcement agency finds sufficient
 985 evidence for prosecution for filing a false report, it must
 986 refer the case to the appropriate state attorney for
 987 prosecution.

988 **Section 25. For the purpose of incorporating the amendment**
 989 **made by this act to section 39.01, Florida Statutes, in a**
 990 **reference thereto, paragraph (b) of subsection (2) of section**
 991 **39.301, Florida Statutes, is reenacted to read:**

992 39.301 Initiation of protective investigations.—

993 (2)

994 (b) As used in this subsection, the term "criminal
 995 conduct" means:

996 1. A child is known or suspected to be the victim of child
 997 abuse, as defined in s. 827.03, or of neglect of a child, as
 998 defined in s. 827.03.

999 2. A child is known or suspected to have died as a result
 1000 of abuse or neglect.

1001 3. A child is known or suspected to be the victim of
 1002 aggravated child abuse, as defined in s. 827.03.

1003 4. A child is known or suspected to be the victim of
 1004 sexual battery, as defined in s. 827.071, or of sexual abuse, as
 1005 defined in s. 39.01.

1006 5. A child is known or suspected to be the victim of
 1007 institutional child abuse or neglect, as defined in s. 39.01,
 1008 and as provided for in s. 39.302(1).

1009 6. A child is known or suspected to be a victim of human
1010 trafficking, as provided in s. 787.06.

1011 **Section 26. For the purpose of incorporating the amendment**
1012 **made by this act to section 39.01, Florida Statutes, in a**
1013 **reference thereto, paragraph (b) of subsection (4) of section**
1014 **61.125, Florida Statutes, is reenacted to read:**

1015 61.125 Parenting coordination.—

1016 (4) DOMESTIC VIOLENCE ISSUES.—

1017 (b) In determining whether there has been a history of
1018 domestic violence, the court shall consider whether a party has
1019 committed an act of domestic violence as defined s. 741.28, or
1020 child abuse as defined in s. 39.01, against the other party or
1021 any member of the other party's family; engaged in a pattern of
1022 behaviors that exert power and control over the other party and
1023 that may compromise the other party's ability to negotiate a
1024 fair result; or engaged in behavior that leads the other party
1025 to have reasonable cause to believe he or she is in imminent
1026 danger of becoming a victim of domestic violence. The court
1027 shall consider and evaluate all relevant factors, including, but
1028 not limited to, the factors listed in s. 741.30(6)(b).

1029 **Section 27. For the purpose of incorporating the amendment**
1030 **made by this act to section 39.01, Florida Statutes, in a**
1031 **reference thereto, paragraph (c) of subsection (2) of section**
1032 **61.13, Florida Statutes, is reenacted to read:**

1033 61.13 Support of children; parenting and time-sharing;

1034 powers of court.—

1035 (2)

1036 (c) The court shall determine all matters relating to
 1037 parenting and time-sharing of each minor child of the parties in
 1038 accordance with the best interests of the child and in
 1039 accordance with the Uniform Child Custody Jurisdiction and
 1040 Enforcement Act, except that modification of a parenting plan
 1041 and time-sharing schedule requires a showing of a substantial
 1042 and material change of circumstances.

1043 1. It is the public policy of this state that each minor
 1044 child has frequent and continuing contact with both parents
 1045 after the parents separate or the marriage of the parties is
 1046 dissolved and to encourage parents to share the rights and
 1047 responsibilities, and joys, of childrearing. Unless otherwise
 1048 provided in this section or agreed to by the parties, there is a
 1049 rebuttable presumption that equal time-sharing of a minor child
 1050 is in the best interests of the minor child. To rebut this
 1051 presumption, a party must prove by a preponderance of the
 1052 evidence that equal time-sharing is not in the best interests of
 1053 the minor child. Except when a time-sharing schedule is agreed
 1054 to by the parties and approved by the court, the court must
 1055 evaluate all of the factors set forth in subsection (3) and make
 1056 specific written findings of fact when creating or modifying a
 1057 time-sharing schedule.

1058 2. The court shall order that the parental responsibility

1059 for a minor child be shared by both parents unless the court
 1060 finds that shared parental responsibility would be detrimental
 1061 to the child. In determining detriment to the child, the court
 1062 shall consider:

1063 a. Evidence of domestic violence, as defined in s. 741.28;

1064 b. Whether either parent has or has had reasonable cause
 1065 to believe that he or she or his or her minor child or children
 1066 are or have been in imminent danger of becoming victims of an
 1067 act of domestic violence as defined in s. 741.28 or sexual
 1068 violence as defined in s. 784.046(1)(c) by the other parent
 1069 against the parent or against the child or children whom the
 1070 parents share in common regardless of whether a cause of action
 1071 has been brought or is currently pending in the court;

1072 c. Whether either parent has or has had reasonable cause
 1073 to believe that his or her minor child or children are or have
 1074 been in imminent danger of becoming victims of an act of abuse,
 1075 abandonment, or neglect, as those terms are defined in s. 39.01,
 1076 by the other parent against the child or children whom the
 1077 parents share in common regardless of whether a cause of action
 1078 has been brought or is currently pending in the court; and

1079 d. Any other relevant factors.

1080 3. The following evidence creates a rebuttable presumption
 1081 that shared parental responsibility is detrimental to the child:

1082 a. A parent has been convicted of a misdemeanor of the
 1083 first degree or higher involving domestic violence, as defined

1084 in s. 741.28 and chapter 775;

1085 b. A parent meets the criteria of s. 39.806(1)(d); or

1086 c. A parent has been convicted of or had adjudication
 1087 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
 1088 at the time of the offense:

1089 (I) The parent was 18 years of age or older.

1090 (II) The victim was under 18 years of age or the parent
 1091 believed the victim to be under 18 years of age.

1092

1093 If the presumption is not rebutted after the convicted parent is
 1094 advised by the court that the presumption exists, shared
 1095 parental responsibility, including time-sharing with the child,
 1096 and decisions made regarding the child, may not be granted to
 1097 the convicted parent. However, the convicted parent is not
 1098 relieved of any obligation to provide financial support. If the
 1099 court determines that shared parental responsibility would be
 1100 detrimental to the child, it may order sole parental
 1101 responsibility and make such arrangements for time-sharing as
 1102 specified in the parenting plan as will best protect the child
 1103 or abused spouse from further harm. Whether or not there is a
 1104 conviction of any offense of domestic violence or child abuse or
 1105 the existence of an injunction for protection against domestic
 1106 violence, the court shall consider evidence of domestic violence
 1107 or child abuse as evidence of detriment to the child.

1108 4. In ordering shared parental responsibility, the court

1109 may consider the expressed desires of the parents and may grant
1110 to one party the ultimate responsibility over specific aspects
1111 of the child's welfare or may divide those responsibilities
1112 between the parties based on the best interests of the child.
1113 Areas of responsibility may include education, health care, and
1114 any other responsibilities that the court finds unique to a
1115 particular family.

1116 5. The court shall order sole parental responsibility for
1117 a minor child to one parent, with or without time-sharing with
1118 the other parent if it is in the best interests of the minor
1119 child.

1120 6. There is a rebuttable presumption against granting
1121 time-sharing with a minor child if a parent has been convicted
1122 of or had adjudication withheld for an offense enumerated in s.
1123 943.0435(1)(h)1.a., and at the time of the offense:

1124 a. The parent was 18 years of age or older.

1125 b. The victim was under 18 years of age or the parent
1126 believed the victim to be under 18 years of age.

1127
1128 A parent may rebut the presumption upon a specific finding in
1129 writing by the court that the parent poses no significant risk
1130 of harm to the child and that time-sharing is in the best
1131 interests of the minor child. If the presumption is rebutted,
1132 the court must consider all time-sharing factors in subsection
1133 (3) when developing a time-sharing schedule.

1134 7. Access to records and information pertaining to a minor
1135 child, including, but not limited to, medical, dental, and
1136 school records, may not be denied to either parent. Full rights
1137 under this subparagraph apply to either parent unless a court
1138 order specifically revokes these rights, including any
1139 restrictions on these rights as provided in a domestic violence
1140 injunction. A parent having rights under this subparagraph has
1141 the same rights upon request as to form, substance, and manner
1142 of access as are available to the other parent of a child,
1143 including, without limitation, the right to in-person
1144 communication with medical, dental, and education providers.

1145 **Section 28. For the purpose of incorporating the amendment**
1146 **made by this act to section 39.01, Florida Statutes, in a**
1147 **reference thereto, section 61.401, Florida Statutes, is**
1148 **reenacted to read:**

1149 61.401 Appointment of guardian ad litem.—In an action for
1150 dissolution of marriage or for the creation, approval, or
1151 modification of a parenting plan, if the court finds it is in
1152 the best interest of the child, the court may appoint a guardian
1153 ad litem to act as next friend of the child, investigator or
1154 evaluator, not as attorney or advocate. The court in its
1155 discretion may also appoint legal counsel for a child to act as
1156 attorney or advocate; however, the guardian and the legal
1157 counsel shall not be the same person. In such actions which
1158 involve an allegation of child abuse, abandonment, or neglect as

1159 defined in s. 39.01, which allegation is verified and determined
1160 by the court to be well-founded, the court shall appoint a
1161 guardian ad litem for the child. The guardian ad litem shall be
1162 a party to any judicial proceeding from the date of the
1163 appointment until the date of discharge.

1164 **Section 29. For the purpose of incorporating the amendment**
1165 **made by this act to section 39.01, Florida Statutes, in a**
1166 **reference thereto, subsection (3) of section 61.402, Florida**
1167 **Statutes, is reenacted to read:**

1168 61.402 Qualifications of guardians ad litem.—

1169 (3) Only a guardian ad litem who qualifies under paragraph
1170 (1)(a) or paragraph (1)(c) may be appointed to a case in which
1171 the court has determined that there are well-founded allegations
1172 of child abuse, abandonment, or neglect as defined in s. 39.01.

1173 **Section 30. For the purpose of incorporating the amendment**
1174 **made by this act to section 39.01, Florida Statutes, in a**
1175 **reference thereto, subsection (8) of section 95.11, Florida**
1176 **Statutes, is reenacted to read:**

1177 95.11 Limitations other than for the recovery of real
1178 property.—Actions other than for recovery of real property shall
1179 be commenced as follows:

1180 (8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action
1181 founded on alleged abuse, as defined in s. 39.01, s. 415.102, or
1182 s. 984.03; incest, as defined in s. 826.04; or an action brought
1183 pursuant to s. 787.061 may be commenced at any time within 7

1184 years after the age of majority, or within 4 years after the
1185 injured person leaves the dependency of the abuser, or within 4
1186 years from the time of discovery by the injured party of both
1187 the injury and the causal relationship between the injury and
1188 the abuse, whichever occurs later.

1189 **Section 31. For the purpose of incorporating the amendment**
1190 **made by this act to section 39.01, Florida Statutes, in a**
1191 **reference thereto, Subsection (2) of section 154.067, Florida**
1192 **Statutes, is reenacted to read:**

1193 154.067 Child abuse and neglect cases; duties.—The
1194 Department of Health shall adopt a rule requiring every county
1195 health department, as described in s. 154.01, to adopt a
1196 protocol that, at a minimum, requires the county health
1197 department to:

1198 (2) In any case involving suspected child abuse,
1199 abandonment, or neglect, designate, at the request of the
1200 department, a staff physician to act as a liaison between the
1201 county health department and the Department of Children and
1202 Families office that is investigating the suspected abuse,
1203 abandonment, or neglect, and the Child Protection Team, as
1204 defined in s. 39.01, when the case is referred to such a team.

1205 **Section 32. For the purpose of incorporating the amendment**
1206 **made by this act to section 39.01, Florida Statutes, in a**
1207 **reference thereto, paragraph (b) of subsection (2) of section**
1208 **390.01114, Florida Statutes, is reenacted to read:**

1209 390.01114 Parental Notice of and Consent for Abortion
 1210 Act.—

1211 (2) DEFINITIONS.—As used in this section, the term:

1212 (b) "Child abuse" means abandonment, abuse, harm, mental
 1213 injury, neglect, physical injury, or sexual abuse of a child as
 1214 those terms are defined in ss. 39.01, 827.04, and 984.03.

1215 **Section 33. For the purpose of incorporating the amendment**
 1216 **made by this act to section 39.01, Florida Statutes, in**
 1217 **references thereto, paragraph (g) of subsection (4) and**
 1218 **subsections (7) and (9) of section 393.067, Florida Statutes,**
 1219 **are reenacted to read:**

1220 393.067 Facility licensure.—

1221 (4) The application shall be under oath and shall contain
 1222 the following:

1223 (g) Certification that the staff of the facility or adult
 1224 day training program will receive training to detect, report,
 1225 and prevent sexual abuse, abuse, neglect, exploitation, and
 1226 abandonment, as defined in ss. 39.01 and 415.102, of residents
 1227 and clients.

1228 (7) The agency shall adopt rules establishing minimum
 1229 standards for facilities and adult day training programs
 1230 licensed under this section, including rules requiring
 1231 facilities and adult day training programs to train staff to
 1232 detect, report, and prevent sexual abuse, abuse, neglect,
 1233 exploitation, and abandonment, as defined in ss. 39.01 and

1234 415.102, of residents and clients, minimum standards of quality
 1235 and adequacy of client care, incident reporting requirements,
 1236 and uniform firesafety standards established by the State Fire
 1237 Marshal which are appropriate to the size of the facility or
 1238 adult day training program.

1239 (9) The agency may conduct unannounced inspections to
 1240 determine compliance by foster care facilities, group home
 1241 facilities, residential habilitation centers, and adult day
 1242 training programs with the applicable provisions of this chapter
 1243 and the rules adopted pursuant hereto, including the rules
 1244 adopted for training staff of a facility or an adult day
 1245 training program to detect, report, and prevent sexual abuse,
 1246 abuse, neglect, exploitation, and abandonment, as defined in ss.
 1247 39.01 and 415.102, of residents and clients. The facility or
 1248 adult day training program shall make copies of inspection
 1249 reports available to the public upon request.

1250 **Section 34. For the purpose of incorporating the amendment**
 1251 **made by this act to section 39.01, Florida Statutes, in a**
 1252 **reference thereto, Subsection (2) of section 395.1023, Florida**
 1253 **Statutes, is reenacted to read:**

1254 395.1023 Child abuse and neglect cases; duties.—Each
 1255 licensed facility shall adopt a protocol that, at a minimum,
 1256 requires the facility to:

1257 (2) In any case involving suspected child abuse,
 1258 abandonment, or neglect, designate, at the request of the

1259 department, a staff physician to act as a liaison between the
 1260 hospital and the Department of Children and Families office
 1261 which is investigating the suspected abuse, abandonment, or
 1262 neglect, and the Child Protection Team, as defined in s. 39.01,
 1263 when the case is referred to such a team.

1264
 1265 Each general hospital and appropriate specialty hospital shall
 1266 comply with the provisions of this section and shall notify the
 1267 agency and the department of its compliance by sending a copy of
 1268 its policy to the agency and the department as required by rule.
 1269 The failure by a general hospital or appropriate specialty
 1270 hospital to comply shall be punished by a fine not exceeding
 1271 \$1,000, to be fixed, imposed, and collected by the agency. Each
 1272 day in violation is considered a separate offense.

1273 **Section 35. For the purpose of incorporating the amendment**
 1274 **made by this act to section 39.01, Florida Statutes, in a**
 1275 **reference thereto, subsection (3) of section 744.309, Florida**
 1276 **Statutes, is reenacted to read:**

1277 744.309 Who may be appointed guardian of a resident ward.—

1278 (3) DISQUALIFIED PERSONS.—No person who has been convicted
 1279 of a felony or who, from any incapacity or illness, is incapable
 1280 of discharging the duties of a guardian, or who is otherwise
 1281 unsuitable to perform the duties of a guardian, shall be
 1282 appointed to act as guardian. Further, no person who has been
 1283 judicially determined to have committed abuse, abandonment, or

1284 neglect against a child as defined in s. 39.01 or s. 984.03(1),
 1285 (2), and (37), or who has been found guilty of, regardless of
 1286 adjudication, or entered a plea of nolo contendere or guilty to,
 1287 any offense prohibited under s. 435.04 or similar statute of
 1288 another jurisdiction, shall be appointed to act as a guardian.
 1289 Except as provided in subsection (5) or subsection (6), a person
 1290 who provides substantial services to the proposed ward in a
 1291 professional or business capacity, or a creditor of the proposed
 1292 ward, may not be appointed guardian and retain that previous
 1293 professional or business relationship. A person may not be
 1294 appointed a guardian if he or she is in the employ of any
 1295 person, agency, government, or corporation that provides service
 1296 to the proposed ward in a professional or business capacity,
 1297 except that a person so employed may be appointed if he or she
 1298 is the spouse, adult child, parent, or sibling of the proposed
 1299 ward or the court determines that the potential conflict of
 1300 interest is insubstantial and that the appointment would clearly
 1301 be in the proposed ward's best interest. The court may not
 1302 appoint a guardian in any other circumstance in which a conflict
 1303 of interest may occur.

1304 **Section 36. For the purpose of incorporating the amendment**
 1305 **made by this act to section 39.01, Florida Statutes, in a**
 1306 **reference thereto, paragraph (c) of subsection (8) of section**
 1307 **1001.42, Florida Statutes, is reenacted to read:**

1308 1001.42 Powers and duties of district school board.—The

1309 district school board, acting as a board, shall exercise all
1310 powers and perform all duties listed below:

1311 (8) STUDENT WELFARE.—

1312 (c)1. In accordance with the rights of parents enumerated
1313 in ss. 1002.20 and 1014.04, adopt procedures for notifying a
1314 student's parent if there is a change in the student's services
1315 or monitoring related to the student's mental, emotional, or
1316 physical health or well-being and the school's ability to
1317 provide a safe and supportive learning environment for the
1318 student. The procedures must reinforce the fundamental right of
1319 parents to make decisions regarding the upbringing and control
1320 of their children by requiring school district personnel to
1321 encourage a student to discuss issues relating to his or her
1322 well-being with his or her parent or to facilitate discussion of
1323 the issue with the parent. The procedures may not prohibit
1324 parents from accessing any of their student's education and
1325 health records created, maintained, or used by the school
1326 district, as required by s. 1002.22(2).

1327 2. A school district may not adopt procedures or student
1328 support forms that prohibit school district personnel from
1329 notifying a parent about his or her student's mental, emotional,
1330 or physical health or well-being, or a change in related
1331 services or monitoring, or that encourage or have the effect of
1332 encouraging a student to withhold from a parent such
1333 information. School district personnel may not discourage or

1334 prohibit parental notification of and involvement in critical
1335 decisions affecting a student's mental, emotional, or physical
1336 health or well-being. This subparagraph does not prohibit a
1337 school district from adopting procedures that permit school
1338 personnel to withhold such information from a parent if a
1339 reasonably prudent person would believe that disclosure would
1340 result in abuse, abandonment, or neglect, as those terms are
1341 defined in s. 39.01.

1342 3. Classroom instruction by school personnel or third
1343 parties on sexual orientation or gender identity may not occur
1344 in prekindergarten through grade 8, except when required by ss.
1345 1003.42(2)(o)3. and 1003.46. If such instruction is provided in
1346 grades 9 through 12, the instruction must be age-appropriate or
1347 developmentally appropriate for students in accordance with
1348 state standards. This subparagraph applies to charter schools.

1349 4. Student support services training developed or provided
1350 by a school district to school district personnel must adhere to
1351 student services guidelines, standards, and frameworks
1352 established by the Department of Education.

1353 5. At the beginning of the school year, each school
1354 district shall notify parents of each health care service
1355 offered at their student's school and the option to withhold
1356 consent or decline any specific service in accordance with s.
1357 1014.06. Parental consent to a health care service does not
1358 waive the parent's right to access his or her student's

1359 educational or health records or to be notified about a change
1360 in his or her student's services or monitoring as provided by
1361 this paragraph.

1362 6. Before administering a student well-being questionnaire
1363 or health screening form to a student in kindergarten through
1364 grade 3, the school district must provide the questionnaire or
1365 health screening form to the parent and obtain the permission of
1366 the parent.

1367 7. Each school district shall adopt procedures for a
1368 parent to notify the principal, or his or her designee,
1369 regarding concerns under this paragraph at his or her student's
1370 school and the process for resolving those concerns within 7
1371 calendar days after notification by the parent.

1372 a. At a minimum, the procedures must require that within
1373 30 days after notification by the parent that the concern
1374 remains unresolved, the school district must either resolve the
1375 concern or provide a statement of the reasons for not resolving
1376 the concern.

1377 b. If a concern is not resolved by the school district, a
1378 parent may:

1379 (I) Request the Commissioner of Education to appoint a
1380 special magistrate who is a member of The Florida Bar in good
1381 standing and who has at least 5 years' experience in
1382 administrative law. The special magistrate shall determine facts
1383 relating to the dispute over the school district procedure or

1384 practice, consider information provided by the school district,
1385 and render a recommended decision for resolution to the State
1386 Board of Education within 30 days after receipt of the request
1387 by the parent. The State Board of Education must approve or
1388 reject the recommended decision at its next regularly scheduled
1389 meeting that is more than 7 calendar days and no more than 30
1390 days after the date the recommended decision is transmitted. The
1391 costs of the special magistrate shall be borne by the school
1392 district. The State Board of Education shall adopt rules,
1393 including forms, necessary to implement this subparagraph.

1394 (II) Bring an action against the school district to obtain
1395 a declaratory judgment that the school district procedure or
1396 practice violates this paragraph and seek injunctive relief. A
1397 court may award damages and shall award reasonable attorney fees
1398 and court costs to a parent who receives declaratory or
1399 injunctive relief.

1400 c. Each school district shall adopt and post on its
1401 website policies to notify parents of the procedures required
1402 under this subparagraph.

1403 d. Nothing contained in this subparagraph shall be
1404 construed to abridge or alter rights of action or remedies in
1405 equity already existing under the common law or general law.

1406 **Section 37. For the purpose of incorporating the amendment**
1407 **made by this act to section 39.206, Florida Statutes, in a**
1408 **reference thereto, paragraph (a) of subsection (3) of section**

1409 **39.101, Florida Statutes, is reenacted to read:**

1410 39.101 Central abuse hotline.—The central abuse hotline is
 1411 the first step in the safety assessment and investigation
 1412 process.

1413 (3) COLLECTION OF INFORMATION AND DATA.—The department
 1414 shall:

1415 (a)1. Voice-record all incoming or outgoing calls that are
 1416 received or placed by the central abuse hotline which relate to
 1417 suspected or known child abuse, abandonment, or neglect and
 1418 maintain an electronic copy of each report made to the central
 1419 abuse hotline through a call or electronic reporting.

1420 2. Make the recording or electronic copy of the report
 1421 made to the central abuse hotline a part of the record of the
 1422 report. Notwithstanding s. 39.202, the recording or electronic
 1423 copy may only be released in full to law enforcement agencies
 1424 and state attorneys for the purposes of investigating and
 1425 prosecuting criminal charges under s. 39.205, or to employees of
 1426 the department for the purposes of investigating and seeking
 1427 administrative fines under s. 39.206.

1428
 1429 This paragraph does not prohibit central abuse hotline
 1430 counselors from using the recordings or the electronic copy of
 1431 reports for quality assurance or training purposes.

1432 **Section 38. For the purpose of incorporating the amendment**
 1433 **made by this act to section 827.03, Florida Statutes, in a**

1434 **reference thereto, paragraph (b) of subsection (4) of section**
1435 **63.089, Florida Statutes, is reenacted to read:**

1436 63.089 Proceeding to terminate parental rights pending
1437 adoption; hearing; grounds; dismissal of petition; judgment.—

1438 (4) FINDING OF ABANDONMENT.—A finding of abandonment
1439 resulting in a termination of parental rights must be based upon
1440 clear and convincing evidence that a parent or person having
1441 legal custody has abandoned the child in accordance with the
1442 definition contained in s. 63.032. A finding of abandonment may
1443 also be based upon emotional abuse or a refusal to provide
1444 reasonable financial support, when able, to a birth mother
1445 during her pregnancy or on whether the person alleged to have
1446 abandoned the child, while being able, failed to establish
1447 contact with the child or accept responsibility for the child's
1448 welfare.

1449 (b) The child has been abandoned when the parent of a
1450 child is incarcerated on or after October 1, 2001, in a federal,
1451 state, or county correctional institution and:

1452 1. The period of time for which the parent has been or is
1453 expected to be incarcerated will constitute a significant
1454 portion of the child's minority. In determining whether the
1455 period of time is significant, the court shall consider the
1456 child's age and the child's need for a permanent and stable
1457 home. The period of time begins on the date that the parent
1458 enters into incarceration;

1459 2. The incarcerated parent has been determined by a court
 1460 of competent jurisdiction to be a violent career criminal as
 1461 defined in s. 775.084, a habitual violent felony offender as
 1462 defined in s. 775.084, convicted of child abuse as defined in s.
 1463 827.03, or a sexual predator as defined in s. 775.21; has been
 1464 convicted of first degree or second degree murder in violation
 1465 of s. 782.04 or a sexual battery that constitutes a capital,
 1466 life, or first degree felony violation of s. 794.011; or has
 1467 been convicted of a substantially similar offense in another
 1468 jurisdiction. As used in this section, the term "substantially
 1469 similar offense" means any offense that is substantially similar
 1470 in elements and penalties to one of those listed in this
 1471 subparagraph, and that is in violation of a law of any other
 1472 jurisdiction, whether that of another state, the District of
 1473 Columbia, the United States or any possession or territory
 1474 thereof, or any foreign jurisdiction; or

1475 3. The court determines by clear and convincing evidence
 1476 that continuing the parental relationship with the incarcerated
 1477 parent would be harmful to the child and, for this reason,
 1478 termination of the parental rights of the incarcerated parent is
 1479 in the best interests of the child.

1480 **Section 39. For the purpose of incorporating the amendment**
 1481 **made by this act to section 827.03, Florida Statutes, in a**
 1482 **reference thereto, Subsection (5) of section 787.04, Florida**
 1483 **Statutes, is reenacted to read:**

1484 787.04 Removing minors from state or concealing minors
 1485 contrary to state agency order or court order.—

1486 (5) It is a defense under this section that a person who
 1487 leads, takes, entices, or removes a minor beyond the limits of
 1488 the state reasonably believes that his or her action was
 1489 necessary to protect the minor from child abuse as defined in s.
 1490 827.03.

1491 **Section 40. For the purpose of incorporating the amendment**
 1492 **made by this act to section 827.03, Florida Statutes, in a**
 1493 **reference thereto, Subsection (8) of section 901.15, Florida**
 1494 **Statutes, is reenacted to read:**

1495 901.15 When arrest by officer without warrant is lawful.—A
 1496 law enforcement officer may arrest a person without a warrant
 1497 when:

1498 (8) There is probable cause to believe that the person has
 1499 committed child abuse, as defined in s. 827.03, or has violated
 1500 s. 787.025, relating to luring or enticing a child for unlawful
 1501 purposes. The decision to arrest does not require consent of the
 1502 victim or consideration of the relationship of the parties. It
 1503 is the public policy of this state to protect abused children by
 1504 strongly encouraging the arrest and prosecution of persons who
 1505 commit child abuse. A law enforcement officer who acts in good
 1506 faith and exercises due care in making an arrest under this
 1507 subsection is immune from civil liability that otherwise might
 1508 result by reason of his or her action.

1509 **Section 41.** For the purpose of incorporating the amendment
 1510 made by this act to section 827.03, Florida Statutes, in a
 1511 reference thereto, paragraph (y) of subsection (2) of section
 1512 **943.0584, Florida Statutes, is reenacted to read:**

1513 943.0584 Criminal history records ineligible for court-
 1514 ordered expunction or court-ordered sealing.—

1515 (2) A criminal history record is ineligible for a
 1516 certificate of eligibility for expunction or a court-ordered
 1517 expunction pursuant to s. 943.0585 or a certificate of
 1518 eligibility for sealing or a court-ordered sealing pursuant to
 1519 s. 943.059 if the record is a conviction for any of the
 1520 following offenses:

1521 (y) Child abuse or aggravated child abuse, as defined in
 1522 s. 827.03;

1523 **Section 42.** This act shall take effect October 1, 2025.