

By Senator Berman

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1                   A bill to be entitled  
2       An act relating to domestic violence and parental  
3       responsibility determinations; amending s. 61.046,  
4       F.S.; defining the term "child"; amending s. 61.13,  
5       F.S.; requiring a court to order shared parental  
6       responsibility if it is found to be in the best  
7       interests of the child based on certain factors;  
8       providing that clear and convincing evidence of  
9       certain conduct creates a rebuttable presumption that  
10      shared parental responsibility is not in the best  
11      interests of the child; authorizing a parent to rebut  
12      such presumption if specified criteria are met;  
13      requiring the court to consider specified time-sharing  
14      factors when developing the time-sharing schedule if  
15      such presumption is rebutted; authorizing the court to  
16      order sole parental responsibility to one parent with  
17      specified time-sharing arrangements under certain  
18      circumstances; deleting a requirement that the court  
19      consider certain evidence regardless of whether there  
20      is a conviction; revising factors the court must  
21      consider when determining the best interests of the  
22      child for purposes of parental responsibility,  
23      parenting plans, and time-sharing schedules; making  
24      technical and conforming changes; amending s.  
25      414.0252, F.S.; conforming provisions to changes made  
26      by the act; amending s. 741.28, F.S.; defining the  
27      term "coercive control"; revising the definition of  
28      the term "domestic violence"; amending s. 741.30,  
29      F.S.; providing that the instructions for certain

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30 protective injunction petition forms must contain  
31 specified information; revising requirements for the  
32 form for a petition for injunction for protection  
33 against domestic violence; amending ss. 921.0024,  
34 943.0584, and 943.171, F.S.; conforming cross-  
35 references; providing an effective date.  
36

37 Be It Enacted by the Legislature of the State of Florida:  
38

39 Section 1. Present subsections (2) through (23) of section  
40 61.046, Florida Statutes, are redesignated as subsections (3)  
41 through (24), respectively, and a new subsection (2) is added to  
42 that section, to read:

43 61.046 Definitions.—As used in this chapter, the term:  
44 (2) "Child" has the same meaning as in s. 39.01(11).

45 Section 2. Present paragraph (t) of subsection (3) of  
46 section 61.13, Florida Statutes, is redesignated as paragraph  
47 (u), new paragraphs (s) and (t) are added to that subsection,  
48 and paragraph (c) of subsection (2) and present paragraph (m) of  
49 subsection (3) are amended, to read:

50 61.13 Support of children; parenting and time-sharing;  
51 powers of court.—

52 (2)

53 (c) The court shall determine all matters relating to  
54 parenting and time-sharing of each ~~minor~~ child of the parties in  
55 accordance with the best interests of the child and in  
56 accordance with the Uniform Child Custody Jurisdiction and  
57 Enforcement Act, except that modification of a parenting plan  
58 and time-sharing schedule requires a showing of a substantial,

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59 material, and unanticipated change of circumstances.

60 1. It is the public policy of this state that each ~~minor~~  
61 child has frequent and continuing contact with both parents  
62 after the parents separate or the marriage of the parties is  
63 dissolved and to encourage parents to share the rights and  
64 responsibilities, and joys, of childrearing. Except as otherwise  
65 provided in this paragraph, there is no presumption for or  
66 against the father or mother of the child or for or against any  
67 specific time-sharing schedule when creating or modifying the  
68 parenting plan of the child.

69 2. The court shall order that the parental responsibility  
70 for a ~~minor~~ child be shared by both parents if determined to be  
71 in the best interests of the child based on reasonable factors,  
72 including, but not limited to, the time-sharing factors in  
73 subsection (3), unless the court finds that shared parental  
74 responsibility would be detrimental to the child. ~~There is~~ The  
75 ~~following evidence creates~~ a rebuttable presumption that shared  
76 parental responsibility is not in the best interests of the  
77 child and would be detrimental ~~of detriment~~ to the child if it  
78 is proven by clear and convincing evidence that:

79 a. A parent has been convicted of a misdemeanor of the  
80 first degree or higher involving domestic violence, as defined  
81 in s. 741.28 and chapter 775;

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

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

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

87 (II) The victim was under 18 years of age or the parent

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88 believed the victim to be under 18 years of age;

89 d. A parent or child has reasonable cause to believe he or  
90 she is in imminent danger of becoming a victim of domestic  
91 violence, as defined in s. 741.28, caused by the other parent,  
92 upon a review of all relevant factors, including, but not  
93 limited to, the factors in s. 741.30(6)(b); or

94 e. There is alleged domestic violence as defined in s.  
95 741.28; sexual violence as defined in s. 784.046(1)(c); child  
96 abuse as defined in s. 39.01(2); child abandonment as defined in  
97 s. 39.01(1); or child neglect as defined in s. 39.01(50) by a  
98 parent, regardless of whether a cause of action has been brought  
99 or is currently pending in the court.

100  
101 A parent may rebut the presumption that shared parental  
102 responsibility is not in the best interests of the child upon a  
103 specific finding in writing by the court that the parent does  
104 not pose a significant risk of harm to the child and that time-  
105 sharing is in the best interests of the child. If the  
106 presumption is rebutted, the court must consider all time-  
107 sharing factors in subsection (3) when developing the time-  
108 sharing schedule.

109 3. If the presumption is not rebutted after the offending  
110 ~~convicted~~ parent is advised by the court that the presumption  
111 exists, shared parental responsibility, including time-sharing  
112 with the child, and decisions made regarding the child, may not  
113 be granted to the offending ~~convicted~~ parent. However, the  
114 offending ~~convicted~~ parent is not relieved of any obligation to  
115 provide financial support.

116 4. If the court determines that shared parental

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117 responsibility would be detrimental to the child based on  
118 factors other than those in subparagraph 2., it may order sole  
119 parental responsibility for the child to one parent and make  
120 such arrangements for time-sharing as specified in the parenting  
121 plan that as will best protect the child or parent, including,  
122 but not limited to, supervised visitation by a third party at  
123 the expense of the parent without sole parental responsibility  
124 or a designated location at which to pick up and drop off the  
125 child ~~abused spouse from further harm. Whether or not there is a~~  
126 ~~conviction of any offense of domestic violence or child abuse or~~  
127 ~~the existence of an injunction for protection against domestic~~  
128 ~~violence, the court shall consider evidence of domestic violence~~  
129 ~~or child abuse as evidence of detriment to the child.~~

130 ~~5.3.~~ In ordering shared parental responsibility, the court  
131 may consider the expressed desires of the parents and may grant  
132 to one party the ultimate responsibility over specific aspects  
133 of the child's welfare or may divide those responsibilities  
134 between the parties based on the best interests of the child.  
135 Areas of responsibility may include education, health care, and  
136 any other responsibilities that the court finds unique to a  
137 particular family.

138 ~~6.4.~~ The court shall order sole parental responsibility for  
139 a ~~minor~~ child to one parent, with or without time-sharing with  
140 the other parent if it is in the best interests of the ~~minor~~  
141 child.

142 ~~7.5.~~ There is a rebuttable presumption against granting  
143 time-sharing with a ~~minor~~ child if a parent has been convicted  
144 of or had adjudication withheld for an offense enumerated in s.  
145 943.0435(1)(h)1.a., and at the time of the offense:

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

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

149  
150 A parent may rebut the presumption upon a specific finding in  
151 writing by the court that the parent does not pose a ~~poses no~~  
152 significant risk of harm to the child and that time-sharing is  
153 in the best interests of the ~~minor~~ child. If the presumption is  
154 rebutted, the court must ~~shall~~ consider all time-sharing factors  
155 in subsection (3) when developing a time-sharing schedule.

156 ~~8.6.~~ Access to records and information pertaining to a  
157 ~~minor~~ child, including, but not limited to, medical, dental, and  
158 school records, may not be denied to either parent. Full rights  
159 under this subparagraph apply to either parent unless a court  
160 order specifically revokes these rights, including any  
161 restrictions on these rights as provided in a domestic violence  
162 injunction. A parent having rights under this subparagraph has  
163 the same rights upon request as to form, substance, and manner  
164 of access as are available to the other parent of a child,  
165 including, without limitation, the right to in-person  
166 communication with medical, dental, and education providers.

167 (3) For purposes of establishing or modifying parental  
168 responsibility and creating, developing, approving, or modifying  
169 a parenting plan, including a time-sharing schedule, which  
170 governs each parent's relationship with his or her ~~minor~~ child  
171 and the relationship between each parent with regard to his or  
172 her ~~minor~~ child, the best interest of the child must ~~shall~~ be  
173 the primary consideration. A determination of parental  
174 responsibility, a parenting plan, or a time-sharing schedule may

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175 not be modified without a showing of a substantial, material,  
176 and unanticipated change in circumstances and a determination  
177 that the modification is in the best interests of the child.  
178 Determination of the best interests of the child must ~~shall~~ be  
179 made by evaluating all of the factors affecting the welfare and  
180 interests of the particular ~~minor~~ child and the circumstances of  
181 that family, including, but not limited to:

182 ~~(m) Evidence of domestic violence, sexual violence, child~~  
183 ~~abuse, child abandonment, or child neglect, regardless of~~  
184 ~~whether a prior or pending action relating to those issues has~~  
185 ~~been brought. If the court accepts evidence of prior or pending~~  
186 ~~actions regarding domestic violence, sexual violence, child~~  
187 ~~abuse, child abandonment, or child neglect, the court must~~  
188 ~~specifically acknowledge in writing that such evidence was~~  
189 ~~considered when evaluating the best interests of the child.~~

190 (s) Whether and to what extent the child has developed a  
191 relationship with either parent and the nature of any bond that  
192 has been established between such parent and the child,  
193 including, but not limited to, whether the child has expressed  
194 or exhibited behavior that suggests that the child fears for his  
195 or her safety or well-being while being in the care of the other  
196 parent. Upon the request of one parent, and at that parent's  
197 expense, the court may order an independent evaluation by a  
198 psychiatrist licensed under chapter 458 or chapter 459 or a  
199 psychologist licensed under chapter 490.

200 (t) Clear and convincing evidence that a parent has an  
201 improper motive for seeking shared parental responsibility and  
202 whether such motive will negatively interfere with that parent's  
203 ability to safely and effectively share parental

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204 responsibilities.

205 Section 3. Subsection (4) of section 414.0252, Florida  
206 Statutes, is amended to read:

207 414.0252 Definitions.—As used in ss. 414.025-414.55, the  
208 term:

209 (4) "Domestic violence" means coercive control or any  
210 assault, aggravated assault, battery, aggravated battery, sexual  
211 assault, sexual battery, stalking, aggravated stalking,  
212 kidnapping, false imprisonment, or other ~~any~~ criminal offense  
213 that results in the physical injury or death of one family or  
214 household member by another.

215 Section 4. Present subsections (1) through (4) of section  
216 741.28, Florida Statutes, are redesignated as subsections (2)  
217 through (5), respectively, a new subsection (1) is added to that  
218 section, and present subsection (2) of that section is amended,  
219 to read:

220 741.28 Domestic violence; definitions.—As used in ss.  
221 741.28-741.31:

222 (1) "Coercive control" means a pattern of threatening,  
223 humiliating, or intimidating actions by one family or household  
224 member against another family or household member, which actions  
225 are used to harm, punish, or frighten the family or household  
226 member and make him or her dependent on the other family or  
227 household member by isolating, exploiting, or regulating him or  
228 her. The term includes, but is not limited to:

229 (a) Isolating the family or household member from his or  
230 her friends or family.

231 (b) Controlling the amount of money accessible to the  
232 family or household member and how he or she spends such money.



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233 (c) Monitoring the family or household member's activities,  
234 communications, or movements.

235 (d) Frequently engaging in conduct meant to demean,  
236 degrade, dehumanize, or embarrass the family or household  
237 member.

238 (e) Threatening to cause physical harm to or kill a child  
239 or relative of the family or household member.

240 (f) Threatening to publish false information or make false  
241 reports to a law enforcement officer or other law enforcement  
242 personnel about the family or household member.

243 (g) Damaging the family or household member's property,  
244 household goods, or personal effects.

245 (h) Forcing the family or household member to participate  
246 in criminal activity.

247 (3)(2) "Domestic violence" means coercive control or any  
248 assault, aggravated assault, battery, aggravated battery, sexual  
249 assault, sexual battery, stalking, aggravated stalking,  
250 kidnapping, false imprisonment, or other ~~any~~ criminal offense  
251 resulting in physical injury or death of one family or household  
252 member by another family or household member.

253 Section 5. Paragraph (c) of subsection (2) and paragraph  
254 (b) of subsection (3) of section 741.30, Florida Statutes, are  
255 amended to read:

256 741.30 Domestic violence; injunction; powers and duties of  
257 court and clerk; petition; notice and hearing; temporary  
258 injunction; issuance of injunction; statewide verification  
259 system; enforcement; public records exemption.-

260 (2)

261 (c)1. The clerk of the court shall assist petitioners in

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262 seeking both injunctions for protection against domestic  
263 violence and enforcement for a violation thereof as specified in  
264 this section.

265 2. All clerks' offices shall provide simplified petition  
266 forms for the injunction, any modifications, and the enforcement  
267 thereof, including instructions for completion. The instructions  
268 must inform the petitioner that if he or she intends to seek an  
269 injunction that prohibits or limits time-sharing between the  
270 respondent and the child of the parties, he or she must state  
271 with specificity details regarding the circumstances that give  
272 rise to the petitioner fearing that the respondent imminently  
273 will abuse, remove, or hide the child from the petitioner.

274 3. The clerk of the court shall advise petitioners of the  
275 opportunity to apply for a certificate of indigence in lieu of  
276 prepayment for the cost of the filing fee, as provided in  
277 paragraph (a).

278 4. The clerk of the court shall ensure the petitioner's  
279 privacy to the extent practical while completing the forms for  
280 injunctions for protection against domestic violence.

281 5. The clerk of the court shall provide petitioners with a  
282 minimum of two certified copies of the order of injunction, one  
283 of which is serviceable and will inform the petitioner of the  
284 process for service and enforcement.

285 6. Clerks of court and appropriate staff in each county  
286 shall receive training in the effective assistance of  
287 petitioners as provided or approved by the Florida Association  
288 of Court Clerks.

289 7. The clerk of the court in each county shall make  
290 available informational brochures on domestic violence when such

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291 brochures are provided by local certified domestic violence  
292 centers.

293 8. The clerk of the court in each county shall distribute a  
294 statewide uniform informational brochure to petitioners at the  
295 time of filing for an injunction for protection against domestic  
296 or repeat violence when such brochures become available. The  
297 brochure must include information about the effect of giving the  
298 court false information about domestic violence.

299 (3)

300 (b) The sworn petition shall be in substantially the  
301 following form:

302  
303 PETITION FOR  
304 INJUNCTION FOR PROTECTION  
305 AGAINST DOMESTIC VIOLENCE  
306

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

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

311 (Petitioner may furnish address to the court in a separate  
312 confidential filing if, for safety reasons, the petitioner  
313 requires the location of the current residence to be  
314 confidential.)

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

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

318 (d) Physical description of respondent:.....  
319 Race.....

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320 Sex.....

321 Date of birth.....

322 Height.....

323 Weight.....

324 Eye color.....

325 Hair color.....

326 Distinguishing marks or scars.....

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

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

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

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

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

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

333 common, regardless of whether the petitioner and respondent are

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

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

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

337 .....

338 The petitioner should also describe any previous or pending

339 attempts by the petitioner to obtain an injunction for

340 protection against domestic violence in this or any other

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

342 .....

343 Case numbers should be included if available.

344 (h) Petitioner is either a victim of domestic violence or

345 has reasonable cause to believe he or she is in imminent danger

346 of becoming a victim of domestic violence because respondent

347 has: ... (mark all sections that apply and describe in the spaces

348 below the incidents of violence or threats of violence,

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349 specifying when and where they occurred, including, but not  
350 limited to, locations such as a home, school, place of  
351 employment, or visitation exchange)...

352 .....  
353 .....

354 ....committed or threatened to commit domestic violence  
355 defined in s. 741.28, Florida Statutes, as coercive control or  
356 any assault, aggravated assault, battery, aggravated battery,  
357 sexual assault, sexual battery, stalking, aggravated stalking,  
358 kidnapping, false imprisonment, or other ~~any~~ criminal offense  
359 resulting in physical injury or death of one family or household  
360 member by another. With the exception of persons who are parents  
361 of a child in common, the family or household members must be  
362 currently residing or have in the past resided together in the  
363 same single dwelling unit.

364 ....previously threatened, harassed, stalked, or physically  
365 abused the petitioner.

366 ....attempted to harm the petitioner or family members or  
367 individuals closely associated with the petitioner.

368 ....threatened to conceal, kidnap, or harm the petitioner's  
369 child or children (provide details in paragraph (i) below).

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

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

373 ....physically restrained the petitioner from leaving the  
374 home or calling law enforcement.

375 ....a criminal history involving violence or the threat of  
376 violence (if known).

377 ....another order of protection issued against him or her

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378 previously or from another jurisdiction (if known).

379 ....destroyed personal property, including, but not limited  
380 to, telephones or other communication equipment, clothing, or  
381 other items belonging to the petitioner.

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

385 (i) Petitioner alleges the following additional specific  
386 facts: ...(mark appropriate sections)...

387 ....A ~~minor~~ child or ~~minor~~ children reside with the  
388 petitioner whose names and ages are as follows:

389  
390 ....Petitioner needs the exclusive use and possession of  
391 the dwelling that the parties share.

392 ....Petitioner is unable to obtain safe alternative housing  
393 because:

394  
395 ....Petitioner genuinely fears that respondent imminently  
396 will abuse, remove, or hide the ~~minor~~ child or children from  
397 petitioner because: ...(describe any actions taken or threats  
398 made by the respondent to cause such fear, including where and  
399 when the actions were taken or the threats were made, directly  
400 or indirectly; whether and how the respondent failed to comply  
401 with an existing parenting plan or time-sharing schedule; and  
402 any actions taken or comments made by the child or children  
403 which suggest the respondent has caused the child or children to  
404 fear for his or her or their safety)...

405  
406 (j) Petitioner genuinely fears imminent domestic violence

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407 by respondent.

408 (k) Petitioner seeks an injunction: ...(mark appropriate  
409 section or sections)...

410 ....Immediately restraining the respondent from committing  
411 any acts of domestic violence.

412 ....Restraining the respondent from committing any acts of  
413 domestic violence.

414 ....Awarding to the petitioner the temporary exclusive use  
415 and possession of the dwelling that the parties share or  
416 excluding the respondent from the residence of the petitioner.

417 ....Providing a temporary parenting plan, including a  
418 temporary time-sharing schedule, with regard to the ~~minor~~ child  
419 or children of the parties which might involve ~~prohibiting or~~  
420 limiting time-sharing or requiring that it be supervised by a  
421 third party.

422 ....Providing a temporary time-sharing schedule that  
423 prohibits time-sharing between the respondent and the child or  
424 children of the parties.

425 ....Establishing temporary support for the ~~minor~~ child or  
426 children or the petitioner.

427 ....Directing the respondent to participate in a batterers'  
428 intervention program.

429 ....Providing any terms the court deems necessary for the  
430 protection of a victim of domestic violence, or any ~~minor~~  
431 children of the victim, including any injunctions or directives  
432 to law enforcement agencies.

433 Section 6. Paragraph (b) of subsection (1) of section  
434 921.0024, Florida Statutes, is amended to read:

435 921.0024 Criminal Punishment Code; worksheet computations;

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436 scoresheets.-

437 (1)

438 (b) WORKSHEET KEY:

439

440 Legal status points are assessed when any form of legal status  
441 existed at the time the offender committed an offense before the  
442 court for sentencing. Four (4) sentence points are assessed for  
443 an offender's legal status.

444

445 Community sanction violation points are assessed when a  
446 community sanction violation is before the court for sentencing.  
447 Six (6) sentence points are assessed for each community sanction  
448 violation and each successive community sanction violation,  
449 unless any of the following apply:

450 1. If the community sanction violation includes a new  
451 felony conviction before the sentencing court, twelve (12)  
452 community sanction violation points are assessed for the  
453 violation, and for each successive community sanction violation  
454 involving a new felony conviction.

455 2. If the community sanction violation is committed by a  
456 violent felony offender of special concern as defined in s.  
457 948.06:

458 a. Twelve (12) community sanction violation points are  
459 assessed for the violation and for each successive violation of  
460 felony probation or community control where:

461 I. The violation does not include a new felony conviction;  
462 and

463 II. The community sanction violation is not based solely on  
464 the probationer or offender's failure to pay costs or fines or



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465 make restitution payments.

466       b. Twenty-four (24) community sanction violation points are  
467 assessed for the violation and for each successive violation of  
468 felony probation or community control where the violation  
469 includes a new felony conviction.

470

471 Multiple counts of community sanction violations before the  
472 sentencing court shall not be a basis for multiplying the  
473 assessment of community sanction violation points.

474

475 Prior serious felony points: If the offender has a primary  
476 offense or any additional offense ranked in level 8, level 9, or  
477 level 10, and one or more prior serious felonies, a single  
478 assessment of thirty (30) points shall be added. For purposes of  
479 this section, a prior serious felony is an offense in the  
480 offender's prior record that is ranked in level 8, level 9, or  
481 level 10 under s. 921.0022 or s. 921.0023 and for which the  
482 offender is serving a sentence of confinement, supervision, or  
483 other sanction or for which the offender's date of release from  
484 confinement, supervision, or other sanction, whichever is later,  
485 is within 3 years before the date the primary offense or any  
486 additional offense was committed.

487

488 Prior capital felony points: If the offender has one or more  
489 prior capital felonies in the offender's criminal record, points  
490 shall be added to the subtotal sentence points of the offender  
491 equal to twice the number of points the offender receives for  
492 the primary offense and any additional offense. A prior capital  
493 felony in the offender's criminal record is a previous capital

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494 felony offense for which the offender has entered a plea of nolo  
495 contendere or guilty or has been found guilty; or a felony in  
496 another jurisdiction which is a capital felony in that  
497 jurisdiction, or would be a capital felony if the offense were  
498 committed in this state.

499  
500 Possession of a firearm, semiautomatic firearm, or machine gun:  
501 If the offender is convicted of committing or attempting to  
502 commit any felony other than those enumerated in s. 775.087(2)  
503 while having in his or her possession: a firearm as defined in  
504 s. 790.001(6), an additional eighteen (18) sentence points are  
505 assessed; or if the offender is convicted of committing or  
506 attempting to commit any felony other than those enumerated in  
507 s. 775.087(3) while having in his or her possession a  
508 semiautomatic firearm as defined in s. 775.087(3) or a machine  
509 gun as defined in s. 790.001(9), an additional twenty-five (25)  
510 sentence points are assessed.

511  
512 Sentencing multipliers:

513  
514 Drug trafficking: If the primary offense is drug trafficking  
515 under s. 893.135, the subtotal sentence points are multiplied,  
516 at the discretion of the court, for a level 7 or level 8  
517 offense, by 1.5. The state attorney may move the sentencing  
518 court to reduce or suspend the sentence of a person convicted of  
519 a level 7 or level 8 offense, if the offender provides  
520 substantial assistance as described in s. 893.135(4).

521  
522 Law enforcement protection: If the primary offense is a

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523 violation of the Law Enforcement Protection Act under s.  
524 775.0823(2), (3), or (4), the subtotal sentence points are  
525 multiplied by 2.5. If the primary offense is a violation of s.  
526 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
527 are multiplied by 2.0. If the primary offense is a violation of  
528 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
529 Protection Act under s. 775.0823(10) or (11), the subtotal  
530 sentence points are multiplied by 1.5.

531  
532 Grand theft of a motor vehicle: If the primary offense is grand  
533 theft of the third degree involving a motor vehicle and in the  
534 offender's prior record, there are three or more grand thefts of  
535 the third degree involving a motor vehicle, the subtotal  
536 sentence points are multiplied by 1.5.

537  
538 Offense related to a criminal gang: If the offender is convicted  
539 of the primary offense and committed that offense for the  
540 purpose of benefiting, promoting, or furthering the interests of  
541 a criminal gang as defined in s. 874.03, the subtotal sentence  
542 points are multiplied by 1.5. If applying the multiplier results  
543 in the lowest permissible sentence exceeding the statutory  
544 maximum sentence for the primary offense under chapter 775, the  
545 court may not apply the multiplier and must sentence the  
546 defendant to the statutory maximum sentence.

547  
548 Domestic violence in the presence of a child: If the offender is  
549 convicted of the primary offense and the primary offense is a  
550 crime of domestic violence, as defined in s. 741.28, which was  
551 committed in the presence of a child under 16 years of age who

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552 is a family or household member as defined in s. 741.28 ~~s.~~  
553 ~~741.28(3)~~ with the victim or perpetrator, the subtotal sentence  
554 points are multiplied by 1.5.

555  
556 Adult-on-minor sex offense: If the offender was 18 years of age  
557 or older and the victim was younger than 18 years of age at the  
558 time the offender committed the primary offense, and if the  
559 primary offense was an offense committed on or after October 1,  
560 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
561 violation involved a victim who was a minor and, in the course  
562 of committing that violation, the defendant committed a sexual  
563 battery under chapter 794 or a lewd act under s. 800.04 or s.  
564 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
565 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
566 800.04; or s. 847.0135(5), the subtotal sentence points are  
567 multiplied by 2.0. If applying the multiplier results in the  
568 lowest permissible sentence exceeding the statutory maximum  
569 sentence for the primary offense under chapter 775, the court  
570 may not apply the multiplier and must sentence the defendant to  
571 the statutory maximum sentence.

572 Section 7. Paragraph (f) of subsection (2) of section  
573 943.0584, Florida Statutes, is amended to read:

574 943.0584 Criminal history records ineligible for court-  
575 ordered expunction or court-ordered sealing.—

576 (2) A criminal history record is ineligible for a  
577 certificate of eligibility for expunction or a court-ordered  
578 expunction pursuant to s. 943.0585 or a certificate of  
579 eligibility for sealing or a court-ordered sealing pursuant to  
580 s. 943.059 if the record is a conviction for any of the

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581 following offenses:

582 (f) Assault or battery, as defined in ss. 784.011 and  
583 784.03, respectively, of one family or household member by  
584 another family or household member, as defined in s. 741.28 ~~s.~~  
585 ~~741.28(3)~~;

586 Section 8. Paragraph (b) of subsection (2) of section  
587 943.171, Florida Statutes, is amended to read:

588 943.171 Basic skills training in handling domestic violence  
589 cases.—

590 (2) As used in this section, the term:

591 (b) "Household member" has the meaning set forth in s.  
592 741.28 ~~s. 741.28(3)~~.

593 Section 9. This act shall take effect July 1, 2022.