

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

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An act relating to interpersonal violence injunction petitions; amending ss. 741.30, 784.046, and 784.0485, F.S.; revising verification requirements for specified interpersonal violence injunction petitions; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) and subsection (3) of section 741.30, Florida Statutes, are amended to read:

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

(1) There is created a cause of action for an injunction for protection against domestic violence.

(a) Any person described in paragraph (e), who is either the victim of domestic violence as defined in s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in the circuit court to file a verified ~~sworn~~ petition for an injunction for protection against domestic violence.

(3)(a) The verified ~~sworn~~ petition must allege the existence of such domestic violence and must include the

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

26 | specific facts and circumstances upon the basis of which relief
27 | is sought.

28 | (b) The verified ~~sworn~~ petition shall be in substantially
29 | the following form:

30 | PETITION FOR
31 | INJUNCTION FOR PROTECTION
32 | AGAINST DOMESTIC VIOLENCE

33 | ~~Before me,~~ The undersigned ~~authority,~~ ~~personally appeared~~
34 | petitioner ... (name) ... declares under penalties of perjury, ~~who~~
35 | ~~has been sworn and says~~ that the following statements are true:

36 | (a) Petitioner resides at: ... (address) ...

37 | (Petitioner may furnish address to the court in a separate
38 | confidential filing if, for safety reasons, the petitioner
39 | requires the location of the current residence to be
40 | confidential.)

41 | (b) Respondent resides at: ... (last known address) ...

42 | (c) Respondent's last known place of employment: ... (name
43 | of business and address) ...

44 | (d) Physical description of respondent:

45 | Race.....

46 | Sex.....

47 | Date of birth.....

48 | Height.....

49 | Weight.....

50 | Eye color.....

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

51 Hair color.....

52 Distinguishing marks or scars.....

53 (e) Aliases of respondent:

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

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

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

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

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

59 common, regardless of whether the petitioner and respondent are

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

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

62 currently pending between the petitioner and respondent:

63

64 The petitioner should also describe any previous or pending

65 attempts by the petitioner to obtain an injunction for

66 protection against domestic violence in this or any other

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

68

69 Case numbers should be included if available.

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

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

72 of becoming a victim of domestic violence because respondent

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

74 below the incidents of violence or threats of violence,

75 specifying when and where they occurred, including, but not

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

76 | limited to, locations such as a home, school, place of
77 | employment, or visitation exchange)...

78 |
79 |

80 |committed or threatened to commit domestic violence
81 | defined in s. 741.28, Florida Statutes, as any assault,
82 | aggravated assault, battery, aggravated battery, sexual assault,
83 | sexual battery, stalking, aggravated stalking, kidnapping, false
84 | imprisonment, or any criminal offense resulting in physical
85 | injury or death of one family or household member by another.
86 | With the exception of persons who are parents of a child in
87 | common, the family or household members must be currently
88 | residing or have in the past resided together in the same single
89 | dwelling unit.

90 |previously threatened, harassed, stalked, or physically
91 | abused the petitioner.

92 |attempted to harm the petitioner or family members or
93 | individuals closely associated with the petitioner.

94 |threatened to conceal, kidnap, or harm the petitioner's
95 | child or children.

96 |intentionally injured or killed a family pet.

97 |used, or has threatened to use, against the petitioner
98 | any weapons such as guns or knives.

99 |physically restrained the petitioner from leaving the
100 | home or calling law enforcement.

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

101 a criminal history involving violence or the threat of
102 violence (if known).

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

105 destroyed personal property, including, but not limited
106 to, telephones or other communication equipment, clothing, or
107 other items belonging to the petitioner.

108 engaged in a pattern of abusive, threatening,
109 intimidating, or controlling behavior composed of a series of
110 acts over a period of time, however short.

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

114 (i) Petitioner alleges the following additional specific
115 facts: ...(mark appropriate sections)...

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

118
119 Petitioner needs the exclusive use and possession of
120 the dwelling that the parties share.

121 Petitioner is unable to obtain safe alternative housing
122 because:

123
124 Petitioner genuinely fears that respondent imminently
125 will abuse, remove, or hide the minor child or children from

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

126 | petitioner because:.....

127 |

128 | (j) Petitioner genuinely fears imminent domestic violence

129 | by respondent.

130 | (k) Petitioner seeks an injunction: ... (mark appropriate

131 | section or sections)...

132 | Immediately restraining the respondent from committing

133 | any acts of domestic violence.

134 | Restraining the respondent from committing any acts of

135 | domestic violence.

136 | Awarding to the petitioner the temporary exclusive use

137 | and possession of the dwelling that the parties share or

138 | excluding the respondent from the residence of the petitioner.

139 | Providing a temporary parenting plan, including a

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

141 | or children of the parties which might involve prohibiting or

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

143 | third party.

144 | Establishing temporary support for the minor child or

145 | children or the petitioner.

146 | Directing the respondent to participate in a batterers'

147 | intervention program.

148 | Providing any terms the court deems necessary for the

149 | protection of a victim of domestic violence, or any minor

150 | children of the victim, including any injunctions or directives

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

151 to law enforcement agencies.

152 (c) Every petition for an injunction against domestic
 153 violence must contain, directly above the signature line, a
 154 statement in all capital letters and bold type not smaller than
 155 the surrounding text, as follows:

156
 157 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE
 158 FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE. I
 159 ~~HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH~~
 160 ~~STATEMENT IS TRUE AND CORRECT.~~ I UNDERSTAND THAT THE STATEMENTS
 161 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTIES ~~PENALTY~~ OF
 162 PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525 ~~837.02~~,
 163 FLORIDA STATUTES.

164 ... (initials) ...

165 (d) If the verified ~~sworn~~ petition seeks to determine a
 166 parenting plan and time-sharing schedule with regard to the
 167 minor child or children of the parties, the verified ~~sworn~~
 168 petition must be accompanied by or must incorporate the
 169 allegations required by s. 61.522 of the Uniform Child Custody
 170 Jurisdiction and Enforcement Act.

171 Section 2. Subsections (2) and (4) of section 784.046,
 172 Florida Statutes, are amended to read:

173 784.046 Action by victim of repeat violence, sexual
 174 violence, or dating violence for protective injunction; dating
 175 violence investigations, notice to victims, and reporting;

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

176 pretrial release violations; public records exemption.—

177 (2) There is created a cause of action for an injunction
 178 for protection in cases of repeat violence, there is created a
 179 separate cause of action for an injunction for protection in
 180 cases of dating violence, and there is created a separate cause
 181 of action for an injunction for protection in cases of sexual
 182 violence.

183 (a) Any person who is the victim of repeat violence or the
 184 parent or legal guardian of any minor child who is living at
 185 home and who seeks an injunction for protection against repeat
 186 violence on behalf of the minor child has standing in the
 187 circuit court to file a verified ~~sworn~~ petition for an
 188 injunction for protection against repeat violence.

189 (b) Any person who is the victim of dating violence and
 190 has reasonable cause to believe he or she is in imminent danger
 191 of becoming the victim of another act of dating violence, or any
 192 person who has reasonable cause to believe he or she is in
 193 imminent danger of becoming the victim of an act of dating
 194 violence, or the parent or legal guardian of any minor child who
 195 is living at home and who seeks an injunction for protection
 196 against dating violence on behalf of that minor child, has
 197 standing in the circuit court to file a verified ~~sworn~~ petition
 198 for an injunction for protection against dating violence.

199 (c) A person who is the victim of sexual violence or the
 200 parent or legal guardian of a minor child who is living at home

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

201 who is the victim of sexual violence has standing in the circuit
 202 court to file a verified ~~sworn~~ petition for an injunction for
 203 protection against sexual violence on his or her own behalf or
 204 on behalf of the minor child if:

205 1. The person has reported the sexual violence to a law
 206 enforcement agency and is cooperating in any criminal proceeding
 207 against the respondent, regardless of whether criminal charges
 208 based on the sexual violence have been filed, reduced, or
 209 dismissed by the state attorney; or

210 2. The respondent who committed the sexual violence
 211 against the victim or minor child was sentenced to a term of
 212 imprisonment in state prison for the sexual violence and the
 213 respondent's term of imprisonment has expired or is due to
 214 expire within 90 days following the date the petition is filed.

215 (d) A cause of action for an injunction may be sought
 216 whether or not any other petition, complaint, or cause of action
 217 is currently available or pending between the parties.

218 (e) A cause of action for an injunction does not require
 219 that the petitioner be represented by an attorney.

220 (4) (a) The verified ~~sworn~~ petition shall allege the
 221 incidents of repeat violence, sexual violence, or dating
 222 violence and shall include the specific facts and circumstances
 223 that form the basis upon which relief is sought. With respect to
 224 a minor child who is living at home, the parent or legal
 225 guardian seeking the protective injunction on behalf of the

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

226 | minor child must:

227 | 1. Have been an eyewitness to, or have direct physical
 228 | evidence or affidavits from eyewitnesses of, the specific facts
 229 | and circumstances that form the basis upon which relief is
 230 | sought, if the party against whom the protective injunction is
 231 | sought is also a parent, stepparent, or legal guardian of the
 232 | minor child; or

233 | 2. Have reasonable cause to believe that the minor child
 234 | is a victim of repeat violence, sexual violence, or dating
 235 | violence to form the basis upon which relief is sought, if the
 236 | party against whom the protective injunction is sought is a
 237 | person other than a parent, stepparent, or legal guardian of the
 238 | minor child.

239 | (b) The verified ~~sworn~~ petition must be in substantially
 240 | the following form:

241 | PETITION FOR INJUNCTION FOR PROTECTION
 242 | AGAINST REPEAT VIOLENCE, SEXUAL
 243 | VIOLENCE, OR DATING VIOLENCE

244 | ~~Before me,~~ The undersigned ~~authority, personally appeared~~
 245 | petitioner ... (name) ... declares under penalties of perjury, ~~who~~
 246 | ~~has been sworn and says~~ that the following statements are true:

247 | 1. Petitioner resides at ... (address) ... (A petitioner for
 248 | an injunction for protection against sexual violence may furnish
 249 | an address to the court in a separate confidential filing if,
 250 | for safety reasons, the petitioner requires the location of his

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

251 or her current residence to be confidential pursuant to s.
252 119.071(2)(j), Florida Statutes.)

253 2. Respondent resides at ...(address)....

254 3.a. Petitioner has suffered repeat violence as
255 demonstrated by the fact that the respondent has:

256 ...(enumerate incidents of violence)...

257

258

259

260 b. Petitioner has suffered sexual violence as demonstrated
261 by the fact that the respondent has: ...(enumerate incident of
262 violence and include incident report number from law enforcement
263 agency or attach notice of inmate release)...

264

265

266

267 c. Petitioner is a victim of dating violence and has
268 reasonable cause to believe that he or she is in imminent danger
269 of becoming the victim of another act of dating violence or has
270 reasonable cause to believe that he or she is in imminent danger
271 of becoming a victim of dating violence, as demonstrated by the
272 fact that the respondent has: ...(list the specific incident or
273 incidents of violence and describe the length of time of the
274 relationship, whether it has been in existence during the last 6
275 months, the nature of the relationship of a romantic or intimate

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

276 nature, the frequency and type of interaction, and any other
277 facts that characterize the relationship)...

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281 4. Petitioner genuinely fears repeat violence by the
282 respondent.

283 5. Petitioner seeks: an immediate injunction against the
284 respondent, enjoining him or her from committing any further
285 acts of violence; an injunction enjoining the respondent from
286 committing any further acts of violence; and an injunction
287 providing any terms the court deems necessary for the protection
288 of the petitioner and the petitioner's immediate family,
289 including any injunctions or directives to law enforcement
290 agencies.

291 (c) Every petition for an injunction against sexual
292 violence, dating violence, or repeat violence must contain,
293 directly above the signature line, a statement in all capital
294 letters and bold type not smaller than the surrounding text, as
295 follows:

296
297 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE
298 FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE
299 TRUE. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS
300 PETITION ARE BEING MADE UNDER PENALTIES OF PERJURY,

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

PUNISHABLE AS PROVIDED IN SECTION 92.525, FLORIDA STATUTES.

(initials)

Section 3. Paragraph (a) of subsection (1) and paragraphs (a), (b), and (f) of subsection (3) of section 784.0485, Florida Statutes, are amended to read:

784.0485 Stalking; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(1) There is created a cause of action for an injunction for protection against stalking. For the purposes of injunctions for protection against stalking under this section, the offense of stalking shall include the offense of cyberstalking.

(a) A person who is the victim of stalking or the parent or legal guardian of a minor child who is living at home who seeks an injunction for protection against stalking on behalf of the minor child has standing in the circuit court to file a verified ~~sworn~~ petition for an injunction for protection against stalking.

(3)(a) The verified ~~sworn~~ petition shall allege the existence of such stalking and shall include the specific facts and circumstances for which relief is sought.

(b) The verified ~~sworn~~ petition shall be in substantially

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

326 | the following form:

327 | PETITION FOR INJUNCTION

328 | FOR PROTECTION AGAINST STALKING

329 | ~~Before me,~~ The undersigned ~~authority,~~ personally appeared
 330 | petitioner ... (name) ... declares under penalties of perjury, ~~who~~
 331 | ~~has been sworn and says~~ that the following statements are true:

332 | 1. Petitioner resides at: ... (address) ...
 333 | (Petitioner may furnish the address to the court in a separate
 334 | confidential filing if, for safety reasons, the petitioner
 335 | requires the location of the current residence to be
 336 | confidential.)

337 | 2. Respondent resides at: ... (last known address) ...

338 | 3. Respondent's last known place of employment: ... (name of
 339 | business and address) ...

340 | 4. Physical description of respondent:

341 | 5. Race:

342 | 6. Sex:

343 | 7. Date of birth:

344 | 8. Height:

345 | 9. Weight:

346 | 10. Eye color:

347 | 11. Hair color:

348 | 12. Distinguishing marks or scars:

349 | 13. Aliases of respondent:

350 | (f) Every petition for an injunction against stalking must

ENROLLED

CS/HB 761, Engrossed 1

2024 Legislature

351 contain, directly above the signature line, a statement in all
 352 capital letters and bold type not smaller than the surrounding
 353 text, as follows:

354
 355 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE
 356 FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE ±
 357 ~~HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH~~
 358 ~~STATEMENT IS TRUE AND CORRECT.~~ I UNDERSTAND THAT THE STATEMENTS
 359 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTIES ~~PENALTY~~ OF
 360 PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525 ~~837.02~~,
 361 FLORIDA STATUTES.

362 ... (initials) ...

363 Section 4. This act shall take effect July 1, 2024.