

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to domestic violence; amending ss.
3 414.0252 and 741.28, F.S.; revising the definition of
4 the term "domestic violence" to include coercive
5 control of one family or household member by another
6 family or household member; amending ss. 741.281,
7 741.283, 741.29, 741.2901, and 741.30, F.S.; making
8 technical changes; reenacting ss. 25.385(1),
9 39.301(9)(a), 39.902(1), 44.407(3)(b), 61.125(4)(b),
10 61.13(2)(c), 61.13001(7)(j), 61.45(7)(b),
11 90.5036(1)(a), 397.417(4)(e), 406.135(1)(a),
12 420.0004(13), 420.6241(4)(b), 435.03(3), 435.04(3),
13 443.101(1)(a), 456.031(1)(a), 464.018(1)(e),
14 497.005(43), 626.9541(1)(g), 741.313(1)(a),
15 741.402(3), 768.35(1) and (4), 775.08435(1)(c),
16 787.03(4)(b) and (6)(a), 790.401(3)(c), 900.05(2)(t),
17 901.15(7) and (13), 901.41(5), 903.011(6),
18 907.041(5)(a), 921.0024(1)(b), 938.08, 943.171(2)(a),
19 944.705(4), 948.038, 985.255(2), and 985.265(3)(b),
20 F.S., relating to standards for instruction of circuit
21 and county court judges in handling domestic violence
22 and dependency cases; initiation of protective
23 investigations; definitions; an elder-focused dispute
24 resolution process; parenting coordination; parenting
25 and time-sharing; parental relocation with a child;
26 court-ordered parenting plans, risk of violation, and
27 bond; domestic violence advocate-victim privilege;
28 peer specialists; confidentiality of reports of minor
29 victims of domestic violence; definitions; persons

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30 with lived experience; level 1 screening standards;
31 level 2 screening standards; disqualification for
32 benefits; requirement for instruction on domestic
33 violence; disciplinary actions; definitions; unfair
34 methods of competition and unfair or deceptive acts or
35 practices; unlawful action against employees seeking
36 protection; definitions; continuing domestic violence,
37 prohibition on withholding adjudication in felony
38 cases; interference with custody; risk protection
39 orders; criminal justice data collection; when arrest
40 by an officer without a warrant is lawful; prearrest
41 diversion programs; pretrial release, general terms,
42 and statewide uniform bond schedule; pretrial
43 detention and release; the Criminal Punishment Code
44 worksheet key; additional cost to fund programs in
45 domestic violence; basic skills training in handling
46 domestic violence cases; the release orientation
47 program; batterers' intervention program as a
48 condition of probation, community control, or other
49 court-ordered community supervision; detention
50 criteria; and detention transfer and release,
51 respectively, to incorporate the amendment made to s.
52 741.28, F.S., in references thereto; providing an
53 effective date.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Subsection (4) of section 414.0252, Florida
58 Statutes, is amended to read:

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59 414.0252 Definitions.—As used in ss. 414.025-414.55, the
60 term:

61 (4) "Domestic violence" means coercive control of or any
62 assault, aggravated assault, battery, aggravated battery, sexual
63 assault, sexual battery, stalking, aggravated stalking,
64 kidnapping, false imprisonment, or any criminal offense that
65 results in the physical injury or death of one family or
66 household member by another.

67 Section 2. Subsection (2) of section 741.28, Florida
68 Statutes, is amended to read:

69 741.28 Domestic violence; definitions.—As used in ss.
70 741.28-741.31:

71 (2) "Domestic violence" means coercive control of or any
72 assault, aggravated assault, battery, aggravated battery, sexual
73 assault, sexual battery, stalking, aggravated stalking,
74 kidnapping, false imprisonment, or any criminal offense
75 resulting in physical injury or death of one family or household
76 member by another family or household member.

77 Section 3. Section 741.281, Florida Statutes, is amended to
78 read:

79 741.281 Court to order batterers' intervention program
80 attendance.—If a person is found guilty of, has adjudication
81 withheld on, or pleads nolo contendere to a crime of domestic
82 violence, ~~as defined in s. 741.28~~, that person must ~~shall~~ be
83 ordered by the court to a minimum term of 1 year's probation and
84 the court must ~~shall~~ order that the defendant attend and
85 complete a batterers' intervention program as a condition of
86 probation. The court must impose the condition of the batterers'
87 intervention program for a defendant under this section, but the

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88 court may, in its discretion, ~~may~~ determine not to impose the
89 condition if it states on the record why a batterers'
90 intervention program might be inappropriate. The court must
91 impose the condition of the batterers' intervention program for
92 a defendant placed on probation unless the court determines that
93 the person does not qualify for the batterers' intervention
94 program pursuant to s. 741.325. The imposition of probation
95 under this section does not preclude the court from imposing any
96 sentence of imprisonment authorized by s. 775.082.

97 Section 4. Subsection (1) of section 741.283, Florida
98 Statutes, is amended to read:

99 741.283 Minimum term of imprisonment for domestic
100 violence.—

101 (1)(a) Except as provided in paragraph (b), if a person is
102 adjudicated guilty of a crime of domestic violence, ~~as defined~~
103 ~~in s. 741.28~~, and the person has intentionally caused bodily
104 harm to another person, the court must ~~shall~~ order the person to
105 serve a minimum of 10 days in the county jail for a first
106 offense, 15 days for a second offense, and 20 days for a third
107 or subsequent offense as part of the sentence imposed, unless
108 the court sentences the person to a nonsuspended period of
109 incarceration in a state correctional facility.

110 (b) If a person is adjudicated guilty of a crime of
111 domestic violence, ~~as defined in s. 741.28~~, and the person has
112 intentionally caused bodily harm to another person, and the
113 crime of domestic violence takes place in the presence of a
114 child under 16 years of age who is a family or household member,
115 ~~as defined in s. 741.28~~, of the victim or the perpetrator, the
116 court must ~~shall~~ order the person to serve a minimum of 15 days

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117 in the county jail for a first offense, 20 days for a second
118 offense, and 30 days for a third or subsequent offense as part
119 of the sentence imposed, unless the court sentences the person
120 to a nonsuspended period of incarceration in a state
121 correctional facility.

122 Section 5. Subsection (7) of section 741.29, Florida
123 Statutes, is amended to read:

124 741.29 Domestic violence; investigation of incidents;
125 notice to victims of legal rights and remedies; reporting.-

126 (7) A person who willfully violates a condition of pretrial
127 release provided in s. 903.047, when the original arrest was for
128 an act of domestic violence ~~as defined in s. 741.28~~, commits a
129 misdemeanor of the first degree, punishable as provided in s.
130 775.082 or s. 775.083, and must ~~shall~~ be held in custody until
131 his or her first appearance.

132 Section 6. Subsections (2) and (3) of section 741.2901,
133 Florida Statutes, are amended to read:

134 741.2901 Domestic violence cases; prosecutors; legislative
135 intent; investigation; duty of circuits; first appearance.-

136 (2) It is the intent of the Legislature that domestic
137 violence be treated as a criminal act rather than a private
138 matter. For that reason, criminal prosecution is ~~shall~~ be the
139 favored method of enforcing compliance with injunctions for
140 protection against domestic violence as both length and severity
141 of sentence for those found to have committed the crime of
142 domestic violence can be greater, thus providing greater
143 protection to victims and better accountability of perpetrators.
144 This provision does ~~shall~~ not preclude such enforcement by the
145 court through the use of indirect criminal contempt. The state

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146 attorney in each circuit shall adopt a pro-prosecution policy
147 for acts of domestic violence, ~~as defined in s. 741.28,~~ and an
148 intake policy and procedures coordinated with the clerk of court
149 for violations of injunctions for protection against domestic
150 violence. The filing, nonfiling, or diversion of criminal
151 charges, and the prosecution of violations of injunctions for
152 protection against domestic violence by the state attorney, must
153 ~~shall~~ be determined by these specialized prosecutors over the
154 objection of the victim, if necessary.

155 (3) Before ~~Prior to~~ a defendant's first appearance in any
156 charge of domestic violence ~~as defined in s. 741.28,~~ the State
157 Attorney's Office shall perform a thorough investigation of the
158 defendant's history, including, but not limited to: prior
159 arrests for domestic violence, prior arrests for nondomestic
160 charges, prior injunctions for protection against domestic and
161 repeat violence filed listing the defendant as respondent and
162 noting history of other victims, and prior walk-in domestic
163 complaints filed against the defendant. This information must
164 ~~shall~~ be presented at first appearance, when setting bond, and
165 when passing sentence, for consideration by the court. When a
166 defendant is arrested for an act of domestic violence, the
167 defendant must ~~shall~~ be held in custody until brought before the
168 court for admittance to bail in accordance with chapter 903. In
169 determining bail, the court shall consider the safety of the
170 victim, the victim's children, and any other person who may be
171 in danger if the defendant is released.

172 Section 7. Paragraph (a) of subsection (1) and paragraph
173 (a) of subsection (6) of section 741.30, Florida Statutes, are
174 amended to read:

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175 741.30 Domestic violence; injunction; powers and duties of
176 court and clerk; petition; notice and hearing; temporary
177 injunction; issuance of injunction; statewide verification
178 system; enforcement; public records exemption.—

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

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

187 (6) (a) Upon notice and hearing, when it appears to the
188 court that the petitioner is either the victim of domestic
189 violence ~~as defined by s. 741.28~~ or has reasonable cause to
190 believe he or she is in imminent danger of becoming a victim of
191 domestic violence, the court may grant such relief as the court
192 deems proper, including an injunction:

193 1. Restraining the respondent from committing any acts of
194 domestic violence.

195 2. Awarding to the petitioner the exclusive use and
196 possession of the dwelling that the parties share or excluding
197 the respondent from the residence of the petitioner.

198 3. On the same basis as provided in chapter 61, providing
199 the petitioner with 100 percent of the time-sharing in a
200 temporary parenting plan that remains in effect until the order
201 expires or an order is entered by a court of competent
202 jurisdiction in a pending or subsequent civil action or
203 proceeding affecting the placement of, access to, parental time

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204 with, adoption of, or parental rights and responsibilities for
205 the minor child.

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

214 5. On the same basis as provided in chapter 61,
215 establishing temporary support for a minor child or children or
216 the petitioner. An order of temporary support remains in effect
217 until the order expires or an order is entered by a court of
218 competent jurisdiction in a pending or subsequent civil action
219 or proceeding affecting child support.

220 6. Ordering the respondent to participate in treatment,
221 intervention, or counseling services to be paid for by the
222 respondent. When the court orders the respondent to participate
223 in a batterers' intervention program, the court, or any entity
224 designated by the court, must provide the respondent with a list
225 of batterers' intervention programs from which the respondent
226 must choose a program in which to participate.

227 7. Referring a petitioner to a certified domestic violence
228 center. The court must provide the petitioner with a list of
229 certified domestic violence centers in the circuit which the
230 petitioner may contact.

231 8. Awarding to the petitioner the exclusive care,
232 possession, or control of an animal that is owned, possessed,

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233 harbored, kept, or held by the petitioner, the respondent, or a
234 minor child residing in the residence or household of the
235 petitioner or respondent. The court may order the respondent to
236 have no contact with the animal and prohibit the respondent from
237 taking, transferring, encumbering, concealing, harming, or
238 otherwise disposing of the animal. This subparagraph does not
239 apply to an animal owned primarily for a bona fide agricultural
240 purpose, as defined under s. 193.461, or to a service animal, as
241 defined under s. 413.08, if the respondent is the service
242 animal's handler.

243 9. Ordering such other relief as the court deems necessary
244 for the protection of a victim of domestic violence, including
245 injunctions or directives to law enforcement agencies, as
246 provided in this section.

247 Section 8. For the purpose of incorporating the amendment
248 made by this act to section 741.28, Florida Statutes, in a
249 reference thereto, subsection (1) of section 25.385, Florida
250 Statutes, is reenacted to read:

251 25.385 Standards for instruction of circuit and county
252 court judges in handling domestic violence and dependency
253 cases.—

254 (1) The Florida Court Educational Council shall establish
255 standards for instruction of circuit and county court judges who
256 have responsibility for domestic violence cases, and the council
257 shall provide such instruction on a periodic and timely basis.
258 As used in this subsection, the term "domestic violence" has the
259 meaning set forth in s. 741.28.

260 Section 9. For the purpose of incorporating the amendment
261 made by this act to section 741.28, Florida Statutes, in a

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262 reference thereto, paragraph (a) of subsection (9) of section
263 39.301, Florida Statutes, is reenacted to read:

264 39.301 Initiation of protective investigations.—

265 (9)(a) For each report received from the central abuse
266 hotline and accepted for investigation, the department shall
267 perform the following child protective investigation activities
268 to determine child safety:

269 1. Conduct a review of all relevant, available information
270 specific to the child, family, and alleged maltreatment; family
271 child welfare history; local, state, and federal criminal
272 records checks; and requests for law enforcement assistance
273 provided by the abuse hotline. Based on a review of available
274 information, including the allegations in the current report, a
275 determination shall be made as to whether immediate consultation
276 should occur with law enforcement, the Child Protection Team, a
277 domestic violence shelter or advocate, or a substance abuse or
278 mental health professional. Such consultations should include
279 discussion as to whether a joint response is necessary and
280 feasible. A determination shall be made as to whether the person
281 making the report should be contacted before the face-to-face
282 interviews with the child and family members.

283 2. Conduct face-to-face interviews with the child; other
284 siblings, if any; and the parents, legal custodians, or
285 caregivers.

286 3. Assess the child's residence, including a determination
287 of the composition of the family and household, including the
288 name, address, date of birth, social security number, sex, and
289 race of each child named in the report; any siblings or other
290 children in the same household or in the care of the same

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291 adults; the parents, legal custodians, or caregivers; and any
292 other adults in the same household.

293 4. Determine whether there is any indication that any child
294 in the family or household has been abused, abandoned, or
295 neglected; the nature and extent of present or prior injuries,
296 abuse, or neglect, and any evidence thereof; and a determination
297 as to the person or persons apparently responsible for the
298 abuse, abandonment, or neglect, including the name, address,
299 date of birth, social security number, sex, and race of each
300 such person.

301 5. Complete assessment of immediate child safety for each
302 child based on available records, interviews, and observations
303 with all persons named in subparagraph 2. and appropriate
304 collateral contacts, which may include other professionals, and
305 continually assess the child's safety throughout the
306 investigation. The department's child protection investigators
307 are hereby designated a criminal justice agency for the purpose
308 of accessing criminal justice information to be used for
309 enforcing this state's laws concerning the crimes of child
310 abuse, abandonment, and neglect. This information shall be used
311 solely for purposes supporting the detection, apprehension,
312 prosecution, pretrial release, posttrial release, or
313 rehabilitation of criminal offenders or persons accused of the
314 crimes of child abuse, abandonment, or neglect and may not be
315 further disseminated or used for any other purpose.

316 6. Document the present and impending dangers to each child
317 based on the identification of inadequate protective capacity
318 through utilization of a standardized safety assessment
319 instrument. If present or impending danger is identified, the

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320 child protective investigator must implement a safety plan or
321 take the child into custody. If present danger is identified and
322 the child is not removed, the child protective investigator
323 shall create and implement a safety plan before leaving the home
324 or the location where there is present danger. If impending
325 danger is identified, the child protective investigator shall
326 create and implement a safety plan as soon as necessary to
327 protect the safety of the child. The child protective
328 investigator may modify the safety plan if he or she identifies
329 additional impending danger.

330 a. If the child protective investigator implements a safety
331 plan, the plan must be specific, sufficient, feasible, and
332 sustainable in response to the realities of the present or
333 impending danger. A safety plan may be an in-home plan or an
334 out-of-home plan, or a combination of both. A safety plan may
335 include tasks or responsibilities for a parent, caregiver, or
336 legal custodian. However, a safety plan may not rely on
337 promissory commitments by the parent, caregiver, or legal
338 custodian who is currently not able to protect the child or on
339 services that are not available or will not result in the safety
340 of the child. A safety plan may not be implemented if for any
341 reason the parents, guardian, or legal custodian lacks the
342 capacity or ability to comply with the plan. If the department
343 is not able to develop a plan that is specific, sufficient,
344 feasible, and sustainable, the department shall file a shelter
345 petition. A child protective investigator shall implement
346 separate safety plans for the perpetrator of domestic violence,
347 if the investigator, using reasonable efforts, can locate the
348 perpetrator to implement a safety plan, and for the parent who

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349 is a victim of domestic violence as defined in s. 741.28.
350 Reasonable efforts to locate a perpetrator include, but are not
351 limited to, a diligent search pursuant to the same requirements
352 as in s. 39.503. If the perpetrator of domestic violence is not
353 the parent, guardian, or legal custodian of any child in the
354 home and if the department does not intend to file a shelter
355 petition or dependency petition that will assert allegations
356 against the perpetrator as a parent of a child in the home, the
357 child protective investigator shall seek issuance of an
358 injunction authorized by s. 39.504 to implement a safety plan
359 for the perpetrator and impose any other conditions to protect
360 the child. The safety plan for the parent who is a victim of
361 domestic violence may not be shared with the perpetrator. If any
362 party to a safety plan fails to comply with the safety plan
363 resulting in the child being unsafe, the department shall file a
364 shelter petition.

365 b. The child protective investigator shall collaborate with
366 the community-based care lead agency in the development of the
367 safety plan as necessary to ensure that the safety plan is
368 specific, sufficient, feasible, and sustainable. The child
369 protective investigator shall identify services necessary for
370 the successful implementation of the safety plan. The child
371 protective investigator and the community-based care lead agency
372 shall mobilize service resources to assist all parties in
373 complying with the safety plan. The community-based care lead
374 agency shall prioritize safety plan services to families who
375 have multiple risk factors, including, but not limited to, two
376 or more of the following:

377 (I) The parent or legal custodian is of young age;

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378 (II) The parent or legal custodian, or an adult currently
379 living in or frequently visiting the home, has a history of
380 substance abuse, mental illness, or domestic violence;

381 (III) The parent or legal custodian, or an adult currently
382 living in or frequently visiting the home, has been previously
383 found to have physically or sexually abused a child;

384 (IV) The parent or legal custodian, or an adult currently
385 living in or frequently visiting the home, has been the subject
386 of multiple allegations by reputable reports of abuse or
387 neglect;

388 (V) The child is physically or developmentally disabled; or

389 (VI) The child is 3 years of age or younger.

390 c. The child protective investigator shall monitor the
391 implementation of the plan to ensure the child's safety until
392 the case is transferred to the lead agency at which time the
393 lead agency shall monitor the implementation.

394 d. The department may file a petition for shelter or
395 dependency without a new child protective investigation or the
396 concurrence of the child protective investigator if the child is
397 unsafe but for the use of a safety plan and the parent or
398 caregiver has not sufficiently increased protective capacities
399 within 90 days after the transfer of the safety plan to the lead
400 agency.

401 Section 10. For the purpose of incorporating the amendment
402 made by this act to section 741.28, Florida Statutes, in a
403 reference thereto, subsection (1) of section 39.902, Florida
404 Statutes, is reenacted to read:

405 39.902 Definitions.—As used in this part, the term:

406 (1) "Domestic violence" has the meaning set forth in s.

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407 741.28.

408 Section 11. For the purpose of incorporating the amendment
409 made by this act to section 741.28, Florida Statutes, in a
410 reference thereto, paragraph (b) of subsection (3) of section
411 44.407, Florida Statutes, is reenacted to read:

412 44.407 Elder-focused dispute resolution process.—

413 (3) REFERRAL.—

414 (b) The court may not refer a party who has a history of
415 domestic violence or exploitation of an elderly person to
416 eldercaring coordination unless the elder and other parties in
417 the action consent to such referral.

418 1. The court shall offer each party an opportunity to
419 consult with an attorney or a domestic violence advocate before
420 accepting consent to such referral. The court shall determine
421 whether each party has given his or her consent freely and
422 voluntarily.

423 2. The court shall consider whether a party has committed
424 an act of exploitation as defined in s. 415.102, exploitation of
425 an elderly person or disabled adult as defined in s. 825.103(1),
426 or domestic violence as defined in s. 741.28 against another
427 party or any member of another party's family; engaged in a
428 pattern of behaviors that exert power and control over another
429 party and that may compromise another party's ability to
430 negotiate a fair result; or engaged in behavior that leads
431 another party to have reasonable cause to believe that he or she
432 is in imminent danger of becoming a victim of domestic violence.
433 The court shall consider and evaluate all relevant factors,
434 including, but not limited to, the factors specified in s.
435 741.30(6)(b).

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436 3. If a party has a history of domestic violence or
437 exploitation of an elderly person, the court must order
438 safeguards to protect the safety of the participants and the
439 elder and the elder's property, including, but not limited to,
440 adherence to all provisions of an injunction for protection or
441 conditions of bail, probation, or a sentence arising from
442 criminal proceedings.

443 Section 12. For the purpose of incorporating the amendment
444 made by this act to section 741.28, Florida Statutes, in a
445 reference thereto, paragraph (b) of subsection (4) of section
446 61.125, Florida Statutes, is reenacted to read:

447 61.125 Parenting coordination.—

448 (4) DOMESTIC VIOLENCE ISSUES.—

449 (b) In determining whether there has been a history of
450 domestic violence, the court shall consider whether a party has
451 committed an act of domestic violence as defined s. 741.28, or
452 child abuse as defined in s. 39.01, against the other party or
453 any member of the other party's family; engaged in a pattern of
454 behaviors that exert power and control over the other party and
455 that may compromise the other party's ability to negotiate a
456 fair result; or engaged in behavior that leads the other party
457 to have reasonable cause to believe he or she is in imminent
458 danger of becoming a victim of domestic violence. The court
459 shall consider and evaluate all relevant factors, including, but
460 not limited to, the factors listed in s. 741.30(6)(b).

461 Section 13. For the purpose of incorporating the amendment
462 made by this act to section 741.28, Florida Statutes, in a
463 reference thereto, paragraph (c) of subsection (2) of section
464 61.13, Florida Statutes, is reenacted to read:

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465 61.13 Support of children; parenting and time-sharing;
466 powers of court.—

467 (2)

468 (c) The court shall determine all matters relating to
469 parenting and time-sharing of each minor child of the parties in
470 accordance with the best interests of the child and in
471 accordance with the Uniform Child Custody Jurisdiction and
472 Enforcement Act, except that modification of a parenting plan
473 and time-sharing schedule requires a showing of a substantial
474 and material change of circumstances.

475 1. It is the public policy of this state that each minor
476 child has frequent and continuing contact with both parents
477 after the parents separate or the marriage of the parties is
478 dissolved and to encourage parents to share the rights and
479 responsibilities, and joys, of childrearing. Unless otherwise
480 provided in this section or agreed to by the parties, there is a
481 rebuttable presumption that equal time-sharing of a minor child
482 is in the best interests of the minor child. To rebut this
483 presumption, a party must prove by a preponderance of the
484 evidence that equal time-sharing is not in the best interests of
485 the minor child. Except when a time-sharing schedule is agreed
486 to by the parties and approved by the court, the court must
487 evaluate all of the factors set forth in subsection (3) and make
488 specific written findings of fact when creating or modifying a
489 time-sharing schedule.

490 2. The court shall order that the parental responsibility
491 for a minor child be shared by both parents unless the court
492 finds that shared parental responsibility would be detrimental
493 to the child. In determining detriment to the child, the court

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494 shall consider:

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

496 b. Whether either parent has or has had reasonable cause to
497 believe that he or she or his or her minor child or children are
498 or have been in imminent danger of becoming victims of an act of
499 domestic violence as defined in s. 741.28 or sexual violence as
500 defined in s. 784.046(1)(c) by the other parent against the
501 parent or against the child or children whom the parents share
502 in common regardless of whether a cause of action has been
503 brought or is currently pending in the court;

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

511 d. Any other relevant factors.

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

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

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

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

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

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

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523 believed the victim to be under 18 years of age.

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525 If the presumption is not rebutted after the convicted parent is
526 advised by the court that the presumption exists, shared
527 parental responsibility, including time-sharing with the child,
528 and decisions made regarding the child, may not be granted to
529 the convicted parent. However, the convicted parent is not
530 relieved of any obligation to provide financial support. If the
531 court determines that shared parental responsibility would be
532 detrimental to the child, it may order sole parental
533 responsibility and make such arrangements for time-sharing as
534 specified in the parenting plan as will best protect the child
535 or abused spouse from further harm. Whether or not there is a
536 conviction of any offense of domestic violence or child abuse or
537 the existence of an injunction for protection against domestic
538 violence, the court shall consider evidence of domestic violence
539 or child abuse as evidence of detriment to the child.

540 4. In ordering shared parental responsibility, the court
541 may consider the expressed desires of the parents and may grant
542 to one party the ultimate responsibility over specific aspects
543 of the child's welfare or may divide those responsibilities
544 between the parties based on the best interests of the child.
545 Areas of responsibility may include education, health care, and
546 any other responsibilities that the court finds unique to a
547 particular family.

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

551 6. There is a rebuttable presumption against granting time-

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552 sharing with a minor child if a parent has been convicted of or
553 had adjudication withheld for an offense enumerated in s.
554 943.0435(1)(h)1.a., and at the time of the offense:

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

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

558

559 A parent may rebut the presumption upon a specific finding in
560 writing by the court that the parent poses no significant risk
561 of harm to the child and that time-sharing is in the best
562 interests of the minor child. If the presumption is rebutted,
563 the court must consider all time-sharing factors in subsection
564 (3) when developing a time-sharing schedule.

565 7. Access to records and information pertaining to a minor
566 child, including, but not limited to, medical, dental, and
567 school records, may not be denied to either parent. Full rights
568 under this subparagraph apply to either parent unless a court
569 order specifically revokes these rights, including any
570 restrictions on these rights as provided in a domestic violence
571 injunction. A parent having rights under this subparagraph has
572 the same rights upon request as to form, substance, and manner
573 of access as are available to the other parent of a child,
574 including, without limitation, the right to in-person
575 communication with medical, dental, and education providers.

576 Section 14. For the purpose of incorporating the amendment
577 made by this act to section 741.28, Florida Statutes, in a
578 reference thereto, paragraph (j) of subsection (7) of section
579 61.13001, Florida Statutes, is reenacted to read:

580 61.13001 Parental relocation with a child.—

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581 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED
582 RELOCATION.—A presumption in favor of or against a request to
583 relocate with the child does not arise if a parent or other
584 person seeks to relocate and the move will materially affect the
585 current schedule of contact, access, and time-sharing with the
586 nonrelocating parent or other person. In reaching its decision
587 regarding a proposed temporary or permanent relocation, the
588 court shall evaluate all of the following:

589 (j) A history of substance abuse or domestic violence as
590 defined in s. 741.28 or which meets the criteria of s.
591 39.806(1)(d) by either parent, including a consideration of the
592 severity of such conduct and the failure or success of any
593 attempts at rehabilitation.

594 Section 15. For the purpose of incorporating the amendment
595 made by this act to section 741.28, Florida Statutes, in a
596 reference thereto, paragraph (b) of subsection (7) of section
597 61.45, Florida Statutes, is reenacted to read:

598 61.45 Court-ordered parenting plan; risk of violation;
599 bond.—

600 (7)

601 (b) This section, including the requirement to post a bond
602 or other security, does not apply to a parent who, in a
603 proceeding to order or modify a parenting plan or time-sharing
604 schedule, is determined by the court to be a victim of an act of
605 domestic violence or provides the court with reasonable cause to
606 believe that he or she is about to become the victim of an act
607 of domestic violence, as defined in s. 741.28. An injunction for
608 protection against domestic violence issued pursuant to s.
609 741.30 for a parent as the petitioner which is in effect at the

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610 time of the court proceeding shall be one means of demonstrating
611 sufficient evidence that the parent is a victim of domestic
612 violence or is about to become the victim of an act of domestic
613 violence, as defined in s. 741.28, and shall exempt the parent
614 from this section, including the requirement to post a bond or
615 other security. A parent who is determined by the court to be
616 exempt from the requirements of this section must meet the
617 requirements of s. 787.03(6) if an offense of interference with
618 the parenting plan or time-sharing schedule is committed.

619 Section 16. For the purpose of incorporating the amendment
620 made by this act to section 741.28, Florida Statutes, in a
621 reference thereto, paragraph (a) of subsection (1) of section
622 90.5036, Florida Statutes, is reenacted to read:

623 90.5036 Domestic violence advocate-victim privilege.—

624 (1) For purposes of this section:

625 (a) A "domestic violence center" is any public or private
626 agency that offers assistance to victims of domestic violence,
627 as defined in s. 741.28, and their families.

628 Section 17. For the purpose of incorporating the amendment
629 made by this act to section 741.28, Florida Statutes, in a
630 reference thereto, paragraph (e) of subsection (4) of section
631 397.417, Florida Statutes, is reenacted to read:

632 397.417 Peer specialists.—

633 (4) BACKGROUND SCREENING.—

634 (e) The background screening conducted under this
635 subsection must ensure that a peer specialist has not been
636 arrested for and is awaiting final disposition of, found guilty
637 of, regardless of adjudication, or entered a plea of nolo
638 contendere or guilty to, or been adjudicated delinquent and the

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639 record has not been sealed or expunged for, any offense
640 prohibited under any of the following state laws or similar laws
641 of another jurisdiction:

642 1. Section 393.135, relating to sexual misconduct with
643 certain developmentally disabled clients and reporting of such
644 sexual misconduct.

645 2. Section 394.4593, relating to sexual misconduct with
646 certain mental health patients and reporting of such sexual
647 misconduct.

648 3. Section 409.920, relating to Medicaid provider fraud, if
649 the offense was a felony of the first or second degree.

650 4. Section 415.111, relating to abuse, neglect, or
651 exploitation of vulnerable adults.

652 5. Any offense that constitutes domestic violence as
653 defined in s. 741.28.

654 6. Section 777.04, relating to attempts, solicitation, and
655 conspiracy to commit an offense listed in this paragraph.

656 7. Section 782.04, relating to murder.

657 8. Section 782.07, relating to manslaughter; aggravated
658 manslaughter of an elderly person or a disabled adult;
659 aggravated manslaughter of a child; or aggravated manslaughter
660 of an officer, a firefighter, an emergency medical technician,
661 or a paramedic.

662 9. Section 782.071, relating to vehicular homicide.

663 10. Section 782.09, relating to killing an unborn child by
664 injury to the mother.

665 11. Chapter 784, relating to assault, battery, and culpable
666 negligence, if the offense was a felony.

667 12. Section 787.01, relating to kidnapping.

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- 668 13. Section 787.02, relating to false imprisonment.
- 669 14. Section 787.025, relating to luring or enticing a
670 child.
- 671 15. Section 787.04(2), relating to leading, taking,
672 enticing, or removing a minor beyond state limits, or concealing
673 the location of a minor, with criminal intent pending custody
674 proceedings.
- 675 16. Section 787.04(3), relating to leading, taking,
676 enticing, or removing a minor beyond state limits, or concealing
677 the location of a minor, with criminal intent pending dependency
678 proceedings or proceedings concerning alleged abuse or neglect
679 of a minor.
- 680 17. Section 790.115(1), relating to exhibiting firearms or
681 weapons within 1,000 feet of a school.
- 682 18. Section 790.115(2)(b), relating to possessing an
683 electric weapon or device, a destructive device, or any other
684 weapon on school property.
- 685 19. Section 794.011, relating to sexual battery.
- 686 20. Former s. 794.041, relating to prohibited acts of
687 persons in familial or custodial authority.
- 688 21. Section 794.05, relating to unlawful sexual activity
689 with certain minors.
- 690 22. Section 794.08, relating to female genital mutilation.
- 691 23. Section 796.07, relating to procuring another to commit
692 prostitution, except for those offenses expunged pursuant to s.
693 943.0583.
- 694 24. Section 798.02, relating to lewd and lascivious
695 behavior.
- 696 25. Chapter 800, relating to lewdness and indecent

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697 exposure.

698 26. Section 806.01, relating to arson.

699 27. Section 810.02, relating to burglary, if the offense
700 was a felony of the first degree.

701 28. Section 810.14, relating to voyeurism, if the offense
702 was a felony.

703 29. Section 810.145, relating to digital voyeurism, if the
704 offense was a felony.

705 30. Section 812.13, relating to robbery.

706 31. Section 812.131, relating to robbery by sudden
707 snatching.

708 32. Section 812.133, relating to carjacking.

709 33. Section 812.135, relating to home-invasion robbery.

710 34. Section 817.034, relating to communications fraud, if
711 the offense was a felony of the first degree.

712 35. Section 817.234, relating to false and fraudulent
713 insurance claims, if the offense was a felony of the first or
714 second degree.

715 36. Section 817.50, relating to fraudulently obtaining
716 goods or services from a health care provider and false reports
717 of a communicable disease.

718 37. Section 817.505, relating to patient brokering.

719 38. Section 817.568, relating to fraudulent use of personal
720 identification, if the offense was a felony of the first or
721 second degree.

722 39. Section 825.102, relating to abuse, aggravated abuse,
723 or neglect of an elderly person or a disabled adult.

724 40. Section 825.1025, relating to lewd or lascivious
725 offenses committed upon or in the presence of an elderly person

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726 or a disabled person.

727 41. Section 825.103, relating to exploitation of an elderly
728 person or a disabled adult, if the offense was a felony.

729 42. Section 826.04, relating to incest.

730 43. Section 827.03, relating to child abuse, aggravated
731 child abuse, or neglect of a child.

732 44. Section 827.04, relating to contributing to the
733 delinquency or dependency of a child.

734 45. Former s. 827.05, relating to negligent treatment of
735 children.

736 46. Section 827.071, relating to sexual performance by a
737 child.

738 47. Section 831.30, relating to fraud in obtaining
739 medicinal drugs.

740 48. Section 831.31, relating to the sale; manufacture;
741 delivery; or possession with intent to sell, manufacture, or
742 deliver of any counterfeit controlled substance, if the offense
743 was a felony.

744 49. Section 843.01, relating to resisting arrest with
745 violence.

746 50. Section 843.025, relating to depriving a law
747 enforcement, correctional, or correctional probation officer of
748 the means of protection or communication.

749 51. Section 843.12, relating to aiding in an escape.

750 52. Section 843.13, relating to aiding in the escape of
751 juvenile inmates of correctional institutions.

752 53. Chapter 847, relating to obscenity.

753 54. Section 874.05, relating to encouraging or recruiting
754 another to join a criminal gang.

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755 55. Chapter 893, relating to drug abuse prevention and
756 control, if the offense was a felony of the second degree or
757 greater severity.

758 56. Section 895.03, relating to racketeering and collection
759 of unlawful debts.

760 57. Section 896.101, relating to the Florida Money
761 Laundering Act.

762 58. Section 916.1075, relating to sexual misconduct with
763 certain forensic clients and reporting of such sexual
764 misconduct.

765 59. Section 944.35(3), relating to inflicting cruel or
766 inhuman treatment on an inmate resulting in great bodily harm.

767 60. Section 944.40, relating to escape.

768 61. Section 944.46, relating to harboring, concealing, or
769 aiding an escaped prisoner.

770 62. Section 944.47, relating to introduction of contraband
771 into a correctional institution.

772 63. Section 985.701, relating to sexual misconduct in
773 juvenile justice programs.

774 64. Section 985.711, relating to introduction of contraband
775 into a detention facility.

776 Section 18. For the purpose of incorporating the amendment
777 made by this act to section 741.28, Florida Statutes, in a
778 reference thereto, paragraph (a) of subsection (1) of section
779 406.135, Florida Statutes, is reenacted to read:

780 406.135 Autopsies; confidentiality of photographs and video
781 and audio recordings; confidentiality of reports of minor
782 victims of domestic violence; exemption.—

783 (1) As used in this section, the term:

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784 (a) "Domestic violence" has the same meaning as in s.
785 741.28.

786 Section 19. For the purpose of incorporating the amendment
787 made by this act to section 741.28, Florida Statutes, in a
788 reference thereto, subsection (13) of section 420.0004, Florida
789 Statutes, is reenacted to read:

790 420.0004 Definitions.—As used in this part, unless the
791 context otherwise indicates:

792 (13) "Person with special needs" means an adult person
793 requiring independent living services in order to maintain
794 housing or develop independent living skills and who has a
795 disabling condition; a young adult formerly in foster care who
796 is eligible for services under s. 409.1451(5); a survivor of
797 domestic violence as defined in s. 741.28; or a person receiving
798 benefits under the Social Security Disability Insurance (SSDI)
799 program or the Supplemental Security Income (SSI) program or
800 from veterans' disability benefits.

801 Section 20. For the purpose of incorporating the amendment
802 made by this act to section 741.28, Florida Statutes, in a
803 reference thereto, paragraph (b) of subsection (4) of section
804 420.6241, Florida Statutes, is reenacted to read:

805 420.6241 Persons with lived experience.—

806 (4) BACKGROUND SCREENING.—

807 (b) The background screening conducted under this
808 subsection must ensure that the qualified applicant has not been
809 arrested for and is not awaiting final disposition of, has not
810 been found guilty of, regardless of adjudication, or entered a
811 plea of nolo contendere or guilty to, or has not been
812 adjudicated delinquent and the record has been sealed or

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813 expunged for, any offense prohibited under any of the following
814 state laws or similar laws of another jurisdiction:

815 1. Section 393.135, relating to sexual misconduct with
816 certain developmentally disabled clients and reporting of such
817 sexual misconduct.

818 2. Section 394.4593, relating to sexual misconduct with
819 certain mental health patients and reporting of such sexual
820 misconduct.

821 3. Section 409.920, relating to Medicaid provider fraud, if
822 the offense is a felony of the first or second degree.

823 4. Section 415.111, relating to criminal penalties for
824 abuse, neglect, or exploitation of vulnerable adults.

825 5. Any offense that constitutes domestic violence, as
826 defined in s. 741.28.

827 6. Section 777.04, relating to attempts, solicitation, and
828 conspiracy to commit an offense listed in this paragraph.

829 7. Section 782.04, relating to murder.

830 8. Section 782.07, relating to manslaughter, aggravated
831 manslaughter of an elderly person or a disabled adult,
832 aggravated manslaughter of a child, or aggravated manslaughter
833 of an officer, a firefighter, an emergency medical technician,
834 or a paramedic.

835 9. Section 782.071, relating to vehicular homicide.

836 10. Section 782.09, relating to killing of an unborn child
837 by injury to the mother.

838 11. Chapter 784, relating to assault, battery, and culpable
839 negligence, if the offense is a felony.

840 12. Section 787.01, relating to kidnapping.

841 13. Section 787.02, relating to false imprisonment.

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842 14. Section 787.025, relating to luring or enticing a
843 child.

844 15. Section 787.04(2), relating to leading, taking,
845 enticing, or removing a minor beyond the state limits, or
846 concealing the location of a minor, with criminal intent pending
847 custody proceedings.

848 16. Section 787.04(3), relating to leading, taking,
849 enticing, or removing a minor beyond the state limits, or
850 concealing the location of a minor, with criminal intent pending
851 dependency proceedings or proceedings concerning alleged abuse
852 or neglect of a minor.

853 17. Section 790.115(1), relating to exhibiting firearms or
854 weapons within 1,000 feet of a school.

855 18. Section 790.115(2)(b), relating to possessing an
856 electric weapon or device, a destructive device, or any other
857 weapon on school property.

858 19. Section 794.011, relating to sexual battery.

859 20. Former s. 794.041, relating to prohibited acts of
860 persons in familial or custodial authority.

861 21. Section 794.05, relating to unlawful sexual activity
862 with certain minors.

863 22. Section 794.08, relating to female genital mutilation.

864 23. Section 796.07, relating to procuring another to commit
865 prostitution, except for those offenses expunged pursuant to s.
866 943.0583.

867 24. Section 798.02, relating to lewd and lascivious
868 behavior.

869 25. Chapter 800, relating to lewdness and indecent
870 exposure.

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- 871 26. Section 806.01, relating to arson.
- 872 27. Section 810.02, relating to burglary, if the offense is
873 a felony of the first degree.
- 874 28. Section 810.14, relating to voyeurism, if the offense
875 is a felony.
- 876 29. Section 810.145, relating to video voyeurism, if the
877 offense is a felony.
- 878 30. Section 812.13, relating to robbery.
- 879 31. Section 812.131, relating to robbery by sudden
880 snatching.
- 881 32. Section 812.133, relating to carjacking.
- 882 33. Section 812.135, relating to home-invasion robbery.
- 883 34. Section 817.034, relating to communications fraud, if
884 the offense is a felony of the first degree.
- 885 35. Section 817.234, relating to false and fraudulent
886 insurance claims, if the offense is a felony of the first or
887 second degree.
- 888 36. Section 817.50, relating to fraudulently obtaining
889 goods or services from a health care provider and false reports
890 of a communicable disease.
- 891 37. Section 817.505, relating to patient brokering.
- 892 38. Section 817.568, relating to fraudulent use of personal
893 identification, if the offense is a felony of the first or
894 second degree.
- 895 39. Section 825.102, relating to abuse, aggravated abuse,
896 or neglect of an elderly person or a disabled adult.
- 897 40. Section 825.1025, relating to lewd or lascivious
898 offenses committed upon or in the presence of an elderly person
899 or a disabled person.

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900 41. Section 825.103, relating to exploitation of an elderly
901 person or a disabled adult, if the offense is a felony.

902 42. Section 826.04, relating to incest.

903 43. Section 827.03, relating to child abuse, aggravated
904 child abuse, or neglect of a child.

905 44. Section 827.04, relating to contributing to the
906 delinquency or dependency of a child.

907 45. Former s. 827.05, relating to negligent treatment of
908 children.

909 46. Section 827.071, relating to sexual performance by a
910 child.

911 47. Section 831.30, relating to fraud in obtaining
912 medicinal drugs.

913 48. Section 831.31, relating to the sale, manufacture,
914 delivery, or possession with intent to sell, manufacture, or
915 deliver any counterfeit controlled substance, if the offense is
916 a felony.

917 49. Section 843.01, relating to resisting arrest with
918 violence.

919 50. Section 843.025, relating to depriving a law
920 enforcement, correctional, or correctional probation officer of
921 the means of protection or communication.

922 51. Section 843.12, relating to aiding in an escape.

923 52. Section 843.13, relating to aiding in the escape of
924 juvenile inmates of correctional institutions.

925 53. Chapter 847, relating to obscenity.

926 54. Section 874.05, relating to encouraging or recruiting
927 another to join a criminal gang.

928 55. Chapter 893, relating to drug abuse prevention and

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929 control, if the offense is a felony of the second degree or
930 greater severity.

931 56. Section 895.03, relating to racketeering and collection
932 of unlawful debts.

933 57. Section 896.101, relating to the Florida Money
934 Laundering Act.

935 58. Section 916.1075, relating to sexual misconduct with
936 certain forensic clients and reporting of such sexual
937 misconduct.

938 59. Section 944.35(3), relating to inflicting cruel or
939 inhuman treatment on an inmate, resulting in great bodily harm.

940 60. Section 944.40, relating to escape.

941 61. Section 944.46, relating to harboring, concealing, or
942 aiding an escaped prisoner.

943 62. Section 944.47, relating to introduction of contraband
944 into a correctional institution.

945 63. Section 985.701, relating to sexual misconduct in
946 juvenile justice programs.

947 64. Section 985.711, relating to introduction of contraband
948 into a detention facility.

949 Section 21. For the purpose of incorporating the amendment
950 made by this act to section 741.28, Florida Statutes, in a
951 reference thereto, subsection (3) of section 435.03, Florida
952 Statutes, is reenacted to read:

953 435.03 Level 1 screening standards.—

954 (3) The security background investigations under this
955 section must ensure that no person subject to this section has
956 been found guilty of, regardless of adjudication, or entered a
957 plea of nolo contendere or guilty to, any offense that

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958 constitutes domestic violence as defined in s. 741.28, whether
959 such act was committed in this state or in another jurisdiction.

960 Section 22. For the purpose of incorporating the amendment
961 made by this act to section 741.28, Florida Statutes, in a
962 reference thereto, subsection (3) of section 435.04, Florida
963 Statutes, is reenacted to read:

964 435.04 Level 2 screening standards.—

965 (3) The security background investigations under this
966 section must ensure that no person subject to this section has
967 been arrested for and is awaiting final disposition of, been
968 found guilty of, regardless of adjudication, or entered a plea
969 of nolo contendere or guilty to, any offense that constitutes
970 domestic violence as defined in s. 741.28, whether such act was
971 committed in this state or in another jurisdiction.

972 Section 23. For the purpose of incorporating the amendment
973 made by this act to section 741.28, Florida Statutes, in a
974 reference thereto, paragraph (a) of subsection (1) of section
975 443.101, Florida Statutes, is reenacted to read:

976 443.101 Disqualification for benefits.—An individual shall
977 be disqualified for benefits:

978 (1)(a) For the week in which he or she has voluntarily left
979 work without good cause attributable to his or her employing
980 unit or for the week in which he or she has been discharged by
981 the employing unit for misconduct connected with his or her
982 work, based on a finding by the Department of Commerce. As used
983 in this paragraph, the term "work" means any work, whether full-
984 time, part-time, or temporary.

985 1. Disqualification for voluntarily quitting continues for
986 the full period of unemployment next ensuing after the

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987 individual has left his or her full-time, part-time, or
988 temporary work voluntarily without good cause and until the
989 individual has earned income equal to or greater than 17 times
990 his or her weekly benefit amount. As used in this subsection,
991 the term "good cause" includes only that cause attributable to
992 the employing unit which would compel a reasonable employee to
993 cease working or attributable to the individual's illness or
994 disability requiring separation from his or her work. Any other
995 disqualification may not be imposed.

996 2. An individual is not disqualified under this subsection
997 for:

998 a. Voluntarily leaving temporary work to return immediately
999 when called to work by the permanent employing unit that
1000 temporarily terminated his or her work within the previous 6
1001 calendar months;

1002 b. Voluntarily leaving work to relocate as a result of his
1003 or her military-connected spouse's permanent change of station
1004 orders, activation orders, or unit deployment orders; or

1005 c. Voluntarily leaving work if he or she proves that his or
1006 her discontinued employment is a direct result of circumstances
1007 related to domestic violence as defined in s. 741.28. An
1008 individual who voluntarily leaves work under this sub-
1009 subparagraph must:

1010 (I) Make reasonable efforts to preserve employment, unless
1011 the individual establishes that such remedies are likely to be
1012 futile or to increase the risk of future incidents of domestic
1013 violence. Such efforts may include seeking a protective
1014 injunction, relocating to a secure place, or seeking reasonable
1015 accommodation from the employing unit, such as a transfer or

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1016 change of assignment;

1017 (II) Provide evidence such as an injunction, a protective
1018 order, or other documentation authorized by state law which
1019 reasonably proves that domestic violence has occurred; and

1020 (III) Reasonably believe that he or she is likely to be the
1021 victim of a future act of domestic violence at, in transit to,
1022 or departing from his or her place of employment.

1023 3. The employment record of an employing unit may not be
1024 charged for the payment of benefits to an individual who has
1025 voluntarily left work under sub-subparagraph 2.c.

1026 4. Disqualification for being discharged for misconduct
1027 connected with his or her work continues for the full period of
1028 unemployment next ensuing after having been discharged and until
1029 the individual is reemployed and has earned income of at least
1030 17 times his or her weekly benefit amount and for not more than
1031 52 weeks immediately following that week, as determined by the
1032 department in each case according to the circumstances or the
1033 seriousness of the misconduct, under the department's rules for
1034 determining disqualification for benefits for misconduct.

1035 5. If an individual has provided notification to the
1036 employing unit of his or her intent to voluntarily leave work
1037 and the employing unit discharges the individual for reasons
1038 other than misconduct before the date the voluntary quit was to
1039 take effect, the individual, if otherwise entitled, shall
1040 receive benefits from the date of the employer's discharge until
1041 the effective date of his or her voluntary quit.

1042 6. If an individual is notified by the employing unit of
1043 the employer's intent to discharge the individual for reasons
1044 other than misconduct and the individual quits without good

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1045 cause before the date the discharge was to take effect, the
1046 claimant is ineligible for benefits pursuant to s. 443.091(1)(d)
1047 for failing to be available for work for the week or weeks of
1048 unemployment occurring before the effective date of the
1049 discharge.

1050 Section 24. For the purpose of incorporating the amendment
1051 made by this act to section 741.28, Florida Statutes, in a
1052 reference thereto, paragraph (a) of subsection (1) of section
1053 456.031, Florida Statutes, is reenacted to read:

1054 456.031 Requirement for instruction on domestic violence.—

1055 (1) (a) The appropriate board shall require each person
1056 licensed or certified under chapter 458, chapter 459, part I of
1057 chapter 464, chapter 466, chapter 467, chapter 490, or chapter
1058 491 to complete a 2-hour continuing education course, approved
1059 by the board, on domestic violence, as defined in s. 741.28, as
1060 part of every third biennial relicensure or recertification. The
1061 course shall consist of information on the number of patients in
1062 that professional's practice who are likely to be victims of
1063 domestic violence and the number who are likely to be
1064 perpetrators of domestic violence, screening procedures for
1065 determining whether a patient has any history of being either a
1066 victim or a perpetrator of domestic violence, and instruction on
1067 how to provide such patients with information on, or how to
1068 refer such patients to, resources in the local community, such
1069 as domestic violence centers and other advocacy groups, that
1070 provide legal aid, shelter, victim counseling, batterer
1071 counseling, or child protection services.

1072 Section 25. For the purpose of incorporating the amendment
1073 made by this act to section 741.28, Florida Statutes, in a

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1074 reference thereto, paragraph (e) of subsection (1) of section
1075 464.018, Florida Statutes, is reenacted to read:

1076 464.018 Disciplinary actions.—

1077 (1) The following acts constitute grounds for denial of a
1078 license or disciplinary action, as specified in ss. 456.072(2)
1079 and 464.0095:

1080 (e) Having been found guilty of or entered a plea of nolo
1081 contendere or guilty to, regardless of adjudication, any offense
1082 prohibited under s. 435.04 or similar statute of another
1083 jurisdiction; or having committed an act which constitutes
1084 domestic violence as defined in s. 741.28.

1085 Section 26. For the purpose of incorporating the amendment
1086 made by this act to section 741.28, Florida Statutes, in a
1087 reference thereto, subsection (43) of section 497.005, Florida
1088 Statutes, is reenacted to read:

1089 497.005 Definitions.—As used in this chapter, the term:

1090 (43) (a) "Legally authorized person" means, in the priority
1091 listed:

1092 1. The decedent, when written inter vivos authorizations
1093 and directions are provided by the decedent;

1094 2. The person designated by the decedent as authorized to
1095 direct disposition pursuant to Pub. L. No. 109-163, s. 564, as
1096 listed on the decedent's United States Department of Defense
1097 Record of Emergency Data, DD Form 93, or its successor form, if
1098 the decedent died while in military service as described in 10
1099 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States
1100 Armed Forces, United States Reserve Forces, or National Guard;

1101 3. The surviving spouse;

1102 4. A son or daughter who is 18 years of age or older;

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- 1103 5. A parent;
- 1104 6. A brother or sister who is 18 years of age or older;
- 1105 7. A grandchild who is 18 years of age or older;
- 1106 8. A grandparent; or
- 1107 9. Any person in the next degree of kinship.
- 1108 (b) In addition, the term legally authorized person may
- 1109 include, if no family member exists or is available from
- 1110 paragraph (a), the guardian of the dead person at the time of
- 1111 death; the personal representative of the deceased; the attorney
- 1112 in fact of the dead person at the time of death; the health
- 1113 surrogate of the dead person at the time of death; a public
- 1114 health officer; the medical examiner, county commission, or
- 1115 administrator acting under part II of chapter 406 or other
- 1116 public administrator; a representative of a nursing home or
- 1117 other health care institution in charge of final disposition; or
- 1118 a friend or other person, including a member of a representative
- 1119 community organization, not listed in this subsection who is
- 1120 willing to assume the responsibility as the legally authorized
- 1121 person. Where there is a person in any priority class listed in
- 1122 this subsection, the funeral establishment shall rely upon the
- 1123 authorization of any one legally authorized person of that class
- 1124 if that person represents that she or he is not aware of any
- 1125 objection to the cremation of the deceased's human remains by
- 1126 others in the same class of the person making the representation
- 1127 or of any person in a higher priority class.
- 1128
- 1129 No person who has been arrested for committing against the
- 1130 deceased an act of domestic violence as defined in s. 741.28, or
- 1131 any act that resulted in or contributed to the death of the

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1132 deceased shall be accorded any legally recognizable interest
1133 under this section consistent with s. 732.802.

1134 Section 27. For the purpose of incorporating the amendment
1135 made by this act to section 741.28, Florida Statutes, in a
1136 reference thereto, paragraph (g) of subsection (1) of section
1137 626.9541, Florida Statutes, is reenacted to read:

1138 626.9541 Unfair methods of competition and unfair or
1139 deceptive acts or practices defined.—

1140 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1141 ACTS.—The following are defined as unfair methods of competition
1142 and unfair or deceptive acts or practices:

1143 (g) *Unfair discrimination.*—

1144 1. Knowingly making or permitting unfair discrimination
1145 between individuals of the same actuarially supportable class
1146 and equal expectation of life, in the rates charged for a life
1147 insurance or annuity contract, in the dividends or other
1148 benefits payable thereon, or in any other term or condition of
1149 such contract.

1150 2. Knowingly making or permitting unfair discrimination
1151 between individuals of the same actuarially supportable class,
1152 as determined at the time of initial issuance of the coverage,
1153 and essentially the same hazard, in the amount of premium,
1154 policy fees, or rates charged for a policy or contract of
1155 accident, disability, or health insurance, in the benefits
1156 payable thereunder, in the terms or conditions of such contract,
1157 or in any other manner.

1158 3. For a health insurer, life insurer, disability insurer,
1159 property and casualty insurer, automobile insurer, or managed
1160 care provider to underwrite a policy, or refuse to issue,

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1161 reissue, or renew a policy, refuse to pay a claim, cancel or
1162 otherwise terminate a policy, or increase rates based upon the
1163 fact that an insured or applicant who is also the proposed
1164 insured has made a claim or sought or should have sought medical
1165 or psychological treatment in the past for abuse, protection
1166 from abuse, or shelter from abuse, or that a claim was caused in
1167 the past by, or might occur as a result of, any future assault,
1168 battery, or sexual assault by a family or household member upon
1169 another family or household member as defined in s. 741.28. A
1170 health insurer, life insurer, disability insurer, or managed
1171 care provider may refuse to underwrite, issue, or renew a policy
1172 based on the applicant's medical condition, but may not consider
1173 whether such condition was caused by an act of abuse. For
1174 purposes of this section, the term "abuse" means the occurrence
1175 of one or more of the following acts:

- 1176 a. Attempting or committing assault, battery, sexual
1177 assault, or sexual battery;
- 1178 b. Placing another in fear of imminent serious bodily
1179 injury by physical menace;
- 1180 c. False imprisonment;
- 1181 d. Physically or sexually abusing a minor child; or
- 1182 e. An act of domestic violence as defined in s. 741.28.

1183

1184 This subparagraph does not prohibit a property and casualty
1185 insurer or an automobile insurer from excluding coverage for
1186 intentional acts by the insured if such exclusion is not an act
1187 of unfair discrimination as defined in this paragraph.

1188 4. For a personal lines property or personal lines
1189 automobile insurer to:

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1190 a. Refuse to issue, reissue, or renew a policy; cancel or
1191 otherwise terminate a policy; or charge an unfairly
1192 discriminatory rate in this state based on the lawful use,
1193 possession, or ownership of a firearm or ammunition by the
1194 insurance applicant, insured, or a household member of the
1195 applicant or insured. This sub-subparagraph does not prevent an
1196 insurer from charging a supplemental premium that is not
1197 unfairly discriminatory for a separate rider voluntarily
1198 requested by the insurance applicant to insure a firearm or a
1199 firearm collection whose value exceeds the standard policy
1200 coverage.

1201 b. Disclose the lawful ownership or possession of firearms
1202 of an insurance applicant, insured, or household member of the
1203 applicant or insured to a third party or an affiliated entity of
1204 the insurer unless the insurer discloses to the applicant or
1205 insured the specific need to disclose the information and the
1206 applicant or insured expressly consents to the disclosure, or
1207 the disclosure is necessary to quote or bind coverage, continue
1208 coverage, or adjust a claim. For purposes of underwriting and
1209 issuing insurance coverage, this sub-subparagraph does not
1210 prevent the sharing of information between an insurance company
1211 and its licensed insurance agent if a separate rider has been
1212 voluntarily requested by the policyholder or prospective
1213 policyholder to insure a firearm or a firearm collection whose
1214 value exceeds the standard policy coverage.

1215 Section 28. For the purpose of incorporating the amendment
1216 made by this act to section 741.28, Florida Statutes, in a
1217 reference thereto, paragraph (a) of subsection (1) of section
1218 741.313, Florida Statutes, is reenacted to read:

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1219 741.313 Unlawful action against employees seeking
1220 protection.—

1221 (1) As used in this section, the term:

1222 (a) "Domestic violence" means domestic violence, as defined
1223 in s. 741.28, or any crime the underlying factual basis of which
1224 has been found by a court to include an act of domestic
1225 violence.

1226 Section 29. For the purpose of incorporating the amendment
1227 made by this act to section 741.28, Florida Statutes, in a
1228 reference thereto, subsection (3) of section 741.402, Florida
1229 Statutes, is reenacted to read:

1230 741.402 Definitions; ss. 741.401-741.409.—Unless the
1231 context clearly requires otherwise, as used in ss. 741.401-
1232 741.409, the term:

1233 (3) "Domestic violence" means an act as defined in s.
1234 741.28 and includes a threat of such acts committed against an
1235 individual in a domestic situation, regardless of whether these
1236 acts or threats have been reported to law enforcement officers.

1237 Section 30. For the purpose of incorporating the amendment
1238 made by this act to section 741.28, Florida Statutes, in a
1239 reference thereto, subsections (1) and (4) of section 768.35,
1240 Florida Statutes, are reenacted to read:

1241 768.35 Continuing domestic violence.—

1242 (1) A victim of domestic violence, as defined in s. 741.28,
1243 who has suffered repeated physical or psychological injuries
1244 over an extended period of time, as a result of continuing
1245 domestic violence, has a cause of action against the perpetrator
1246 responsible for the violence.

1247 (4) Notwithstanding any other provision of law, punitive

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1248 damages awarded in any civil tort action involving domestic
1249 violence as defined in s. 741.28 shall not be governed by the
1250 provisions of s. 768.73. The state hereby waives its right to
1251 collect any punitive damages from any victim of domestic
1252 violence not collected as of the effective date of this act.

1253 Section 31. For the purpose of incorporating the amendment
1254 made by this act to section 741.28, Florida Statutes, in a
1255 reference thereto, paragraph (c) of subsection (1) of section
1256 775.08435, Florida Statutes, is reenacted to read:

1257 775.08435 Prohibition on withholding adjudication in felony
1258 cases.—

1259 (1) Notwithstanding the provisions of s. 948.01, the court
1260 may not withhold adjudication of guilt upon the defendant for:

1261 (c) A third degree felony that is a crime of domestic
1262 violence as defined in s. 741.28, unless:

1263 1. The state attorney requests in writing that adjudication
1264 be withheld; or

1265 2. The court makes written findings that the withholding of
1266 adjudication is reasonably justified based on circumstances or
1267 factors in accordance with s. 921.0026.

1268 Section 32. For the purpose of incorporating the amendment
1269 made by this act to section 741.28, Florida Statutes, in a
1270 reference thereto, paragraph (b) of subsection (4) and paragraph
1271 (a) of subsection (6) of section 787.03, Florida Statutes, are
1272 reenacted to read:

1273 787.03 Interference with custody.—

1274 (4) It is a defense that:

1275 (b) The defendant was the victim of an act of domestic
1276 violence or had reasonable cause to believe that he or she was

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1277 about to become the victim of an act of domestic violence as
1278 defined in s. 741.28, and the defendant had reasonable cause to
1279 believe that the action was necessary in order for the defendant
1280 to escape from, or protect himself or herself from, the domestic
1281 violence or to preserve the minor or incompetent person from
1282 exposure to the domestic violence.

1283 (6) (a) The offenses prescribed in subsections (1) and (2)
1284 do not apply in cases in which a person having a legal right to
1285 custody of a minor or incompetent person is the victim of any
1286 act of domestic violence, has reasonable cause to believe he or
1287 she is about to become the victim of any act of domestic
1288 violence, as defined in s. 741.28, or believes that his or her
1289 action was necessary to preserve the minor or the incompetent
1290 person from danger to his or her welfare and seeks shelter from
1291 such acts or possible acts and takes with him or her the minor
1292 or incompetent person.

1293 Section 33. For the purpose of incorporating the amendment
1294 made by this act to section 741.28, Florida Statutes, in a
1295 reference thereto, paragraph (c) of subsection (3) of section
1296 790.401, Florida Statutes, is reenacted to read:

1297 790.401 Risk protection orders.—

1298 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

1299 (c) In determining whether grounds for a risk protection
1300 order exist, the court may consider any relevant evidence,
1301 including, but not limited to, any of the following:

1302 1. A recent act or threat of violence by the respondent
1303 against himself or herself or others, whether or not such
1304 violence or threat of violence involves a firearm.

1305 2. An act or threat of violence by the respondent within

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1306 the past 12 months, including, but not limited to, acts or
1307 threats of violence by the respondent against himself or herself
1308 or others.

1309 3. Evidence of the respondent being seriously mentally ill
1310 or having recurring mental health issues.

1311 4. A violation by the respondent of a risk protection order
1312 or a no contact order issued under s. 741.30, s. 784.046, or s.
1313 784.0485.

1314 5. A previous or existing risk protection order issued
1315 against the respondent.

1316 6. A violation of a previous or existing risk protection
1317 order issued against the respondent.

1318 7. Whether the respondent, in this state or any other
1319 state, has been convicted of, had adjudication withheld on, or
1320 pled nolo contendere to a crime that constitutes domestic
1321 violence as defined in s. 741.28.

1322 8. Whether the respondent has used, or has threatened to
1323 use, against himself or herself or others any weapons.

1324 9. The unlawful or reckless use, display, or brandishing of
1325 a firearm by the respondent.

1326 10. The recurring use of, or threat to use, physical force
1327 by the respondent against another person or the respondent
1328 stalking another person.

1329 11. Whether the respondent, in this state or any other
1330 state, has been arrested for, convicted of, had adjudication
1331 withheld on, or pled nolo contendere to a crime involving
1332 violence or a threat of violence.

1333 12. Corroborated evidence of the abuse of controlled
1334 substances or alcohol by the respondent.

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1335 13. Evidence of recent acquisition of firearms or
1336 ammunition by the respondent.

1337 14. Any relevant information from family and household
1338 members concerning the respondent.

1339 15. Witness testimony, taken while the witness is under
1340 oath, relating to the matter before the court.

1341 Section 34. For the purpose of incorporating the amendment
1342 made by this act to section 741.28, Florida Statutes, in a
1343 reference thereto, paragraph (t) of subsection (2) of section
1344 900.05, Florida Statutes, is reenacted to read:

1345 900.05 Criminal justice data collection.—

1346 (2) DEFINITIONS.—As used in this section, the term:

1347 (t) "Domestic violence flag" means an indication that a
1348 filed charge involves domestic violence as defined in s. 741.28.

1349 Section 35. For the purpose of incorporating the amendment
1350 made by this act to section 741.28, Florida Statutes, in a
1351 reference thereto, subsections (7) and (13) of section 901.15,
1352 Florida Statutes, are reenacted to read:

1353 901.15 When arrest by officer without warrant is lawful.—A
1354 law enforcement officer may arrest a person without a warrant
1355 when:

1356 (7) There is probable cause to believe that the person has
1357 committed an act of domestic violence, as defined in s. 741.28,
1358 or dating violence, as provided in s. 784.046. The decision to
1359 arrest shall not require consent of the victim or consideration
1360 of the relationship of the parties. It is the public policy of
1361 this state to strongly discourage arrest and charges of both
1362 parties for domestic violence or dating violence on each other
1363 and to encourage training of law enforcement and prosecutors in

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1364 these areas. A law enforcement officer who acts in good faith
1365 and exercises due care in making an arrest under this
1366 subsection, under s. 741.31(4) or s. 784.047, or pursuant to a
1367 foreign order of protection accorded full faith and credit
1368 pursuant to s. 741.315, is immune from civil liability that
1369 otherwise might result by reason of his or her action.

1370 (13) There is probable cause to believe that the person has
1371 committed an act that violates a condition of pretrial release
1372 provided in s. 903.047 when the original arrest was for an act
1373 of domestic violence as defined in s. 741.28, or when the
1374 original arrest was for an act of dating violence as defined in
1375 s. 784.046.

1376 Section 36. For the purpose of incorporating the amendment
1377 made by this act to section 741.28, Florida Statutes, in a
1378 reference thereto, subsection (5) of section 901.41, Florida
1379 Statutes, is reenacted to read:

1380 901.41 Prearrest diversion programs.—

1381 (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime
1382 of domestic violence, as defined in s. 741.28, or a misdemeanor
1383 under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048,
1384 s. 784.0487, or s. 784.049 does not qualify for a civil citation
1385 or prearrest diversion program.

1386 Section 37. For the purpose of incorporating the amendment
1387 made by this act to section 741.28, Florida Statutes, in a
1388 reference thereto, subsection (6) of section 903.011, Florida
1389 Statutes, is reenacted to read:

1390 903.011 Pretrial release; general terms; statewide uniform
1391 bond schedule.—

1392 (6) A person may not be released before his or her first

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1393 appearance hearing or bail determination and a judge must
1394 determine the appropriate bail, if any, based on an
1395 individualized consideration of the criteria in s. 903.046(2),
1396 if the person meets any of the following criteria:

1397 (a) The person was, at the time of arrest for any felony,
1398 on pretrial release, probation, or community control in this
1399 state or any other state;

1400 (b) The person was, at the time of arrest, designated as a
1401 sexual offender or sexual predator in this state or any other
1402 state;

1403 (c) The person was arrested for violating a protective
1404 injunction;

1405 (d) The person was, at the time of arrest, on release from
1406 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.
1407 944.4731;

1408 (e) The person has, at any time before the current arrest,
1409 been sentenced pursuant to s. 775.082(9) or s. 775.084 as a
1410 prison releasee reoffender, habitual violent felony offender,
1411 three-time violent felony offender, or violent career criminal;

1412 (f) The person has been arrested three or more times in the
1413 6 months immediately preceding his or her arrest for the current
1414 offense; or

1415 (g) The person's current offense of arrest is for one or
1416 more of the following crimes:

1417 1. A capital felony, life felony, felony of the first
1418 degree, or felony of the second degree;

1419 2. A homicide under chapter 782; or any attempt,
1420 solicitation, or conspiracy to commit a homicide;

1421 3. Assault in furtherance of a riot or an aggravated riot;

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1422 felony battery; domestic battery by strangulation; domestic
1423 violence, as defined in s. 741.28; stalking; mob intimidation;
1424 assault or battery on a law enforcement officer; assault or
1425 battery on juvenile probation officer, or other staff of a
1426 detention center or commitment facility, or a staff member of a
1427 commitment facility, or health services personnel; assault or
1428 battery on a person 65 years of age or older; robbery; burglary;
1429 carjacking; or resisting an officer with violence;

1430 4. Kidnapping, false imprisonment, human trafficking, or
1431 human smuggling;

1432 5. Possession of a firearm or ammunition by a felon,
1433 violent career criminal, or person subject to an injunction
1434 against committing acts of domestic violence, stalking, or
1435 cyberstalking;

1436 6. Sexual battery; indecent, lewd, or lascivious touching;
1437 exposure of sexual organs; incest; luring or enticing a child;
1438 or child pornography;

1439 7. Abuse, neglect, or exploitation of an elderly person or
1440 disabled adult;

1441 8. Child abuse or aggravated child abuse;

1442 9. Arson; riot, aggravated riot, inciting a riot, or
1443 aggravated inciting a riot; or a burglary or theft during a
1444 riot;

1445 10. Escape; tampering or retaliating against a witness,
1446 victim, or informant; destruction of evidence; or tampering with
1447 a jury;

1448 11. Any offense committed for the purpose of benefiting,
1449 promoting, or furthering the interests of a criminal gang;

1450 12. Trafficking in a controlled substance, including

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1451 conspiracy to engage in trafficking in a controlled substance;

1452 13. Racketeering; or

1453 14. Failure to appear at required court proceedings while
1454 on bail.

1455 Section 38. For the purpose of incorporating the amendment
1456 made by this act to section 741.28, Florida Statutes, in a
1457 reference thereto, paragraph (a) of subsection (5) of section
1458 907.041, Florida Statutes, is reenacted to read:

1459 907.041 Pretrial detention and release.—

1460 (5) PRETRIAL DETENTION.—

1461 (a) As used in this subsection, “dangerous crime” means any
1462 of the following:

1463 1. Arson;

1464 2. Aggravated assault;

1465 3. Aggravated battery;

1466 4. Illegal use of explosives;

1467 5. Child abuse or aggravated child abuse;

1468 6. Abuse of an elderly person or disabled adult, or
1469 aggravated abuse of an elderly person or disabled adult;

1470 7. Aircraft piracy;

1471 8. Kidnapping;

1472 9. Homicide;

1473 10. Manslaughter, including DUI manslaughter and BUI
1474 manslaughter;

1475 11. Sexual battery;

1476 12. Robbery;

1477 13. Carjacking;

1478 14. Lewd, lascivious, or indecent assault or act upon or in
1479 presence of a child under the age of 16 years;

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1480 15. Sexual activity with a child, who is 12 years of age or
 1481 older but less than 18 years of age, by or at solicitation of
 1482 person in familial or custodial authority;

1483 16. Burglary of a dwelling;

1484 17. Stalking and aggravated stalking;

1485 18. Act of domestic violence as defined in s. 741.28;

1486 19. Home invasion robbery;

1487 20. Act of terrorism as defined in s. 775.30;

1488 21. Manufacturing any substances in violation of chapter
 1489 893;

1490 22. Attempting or conspiring to commit any such crime;

1491 23. Human trafficking;

1492 24. Trafficking in any controlled substance described in s.
 1493 893.135(1)(c)4.;

1494 25. Extortion in violation of s. 836.05; and

1495 26. Written threats to kill in violation of s. 836.10.

1496 Section 39. For the purpose of incorporating the amendment
 1497 made by this act to section 741.28, Florida Statutes, in a
 1498 reference thereto, paragraph (b) of subsection (1) of section
 1499 921.0024, Florida Statutes, is reenacted to read:

1500 921.0024 Criminal Punishment Code; worksheet computations;
 1501 scoresheets.-

1502 (1)

1503 (b) WORKSHEET KEY:

1504
 1505 Legal status points are assessed when any form of legal status
 1506 existed at the time the offender committed an offense before the
 1507 court for sentencing. Four (4) sentence points are assessed for
 1508 an offender's legal status.

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

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

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

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

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

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

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

Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the

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1538 assessment of community sanction violation points.

1539

1540 Prior serious felony points: If the offender has a primary
1541 offense or any additional offense ranked in level 8, level 9, or
1542 level 10, and one or more prior serious felonies, a single
1543 assessment of thirty (30) points shall be added. For purposes of
1544 this section, a prior serious felony is an offense in the
1545 offender's prior record that is ranked in level 8, level 9, or
1546 level 10 under s. 921.0022 or s. 921.0023 and for which the
1547 offender is serving a sentence of confinement, supervision, or
1548 other sanction or for which the offender's date of release from
1549 confinement, supervision, or other sanction, whichever is later,
1550 is within 3 years before the date the primary offense or any
1551 additional offense was committed.

1552

1553 Prior capital felony points: If the offender has one or more
1554 prior capital felonies in the offender's criminal record, points
1555 shall be added to the subtotal sentence points of the offender
1556 equal to twice the number of points the offender receives for
1557 the primary offense and any additional offense. A prior capital
1558 felony in the offender's criminal record is a previous capital
1559 felony offense for which the offender has entered a plea of nolo
1560 contendere or guilty or has been found guilty; or a felony in
1561 another jurisdiction which is a capital felony in that
1562 jurisdiction, or would be a capital felony if the offense were
1563 committed in this state.

1564

1565 Possession of a firearm, semiautomatic firearm, or machine gun:
1566 If the offender is convicted of committing or attempting to

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1567 commit any felony other than those enumerated in s. 775.087(2)
1568 while having in his or her possession: a firearm as defined in
1569 s. 790.001, an additional eighteen (18) sentence points are
1570 assessed; or if the offender is convicted of committing or
1571 attempting to commit any felony other than those enumerated in
1572 s. 775.087(3) while having in his or her possession a
1573 semiautomatic firearm as defined in s. 775.087(3) or a machine
1574 gun as defined in s. 790.001, an additional twenty-five (25)
1575 sentence points are assessed.

1576

1577 Sentencing multipliers:

1578

1579 Drug trafficking: If the primary offense is drug trafficking
1580 under s. 893.135, the subtotal sentence points are multiplied,
1581 at the discretion of the court, for a level 7 or level 8
1582 offense, by 1.5. The state attorney may move the sentencing
1583 court to reduce or suspend the sentence of a person convicted of
1584 a level 7 or level 8 offense, if the offender provides
1585 substantial assistance as described in s. 893.135(4).

1586

1587 Violent offenses committed against specified justice system
1588 personnel: If the primary offense is a violation of s.
1589 775.0823(2), (3), or (4), the subtotal sentence points are
1590 multiplied by 2.5. If the primary offense is a violation of s.
1591 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
1592 are multiplied by 2.0. If the primary offense is a violation of
1593 s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the
1594 subtotal sentence points are multiplied by 1.5.

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1596 Grand theft of a motor vehicle: If the primary offense is grand
1597 theft of the third degree involving a motor vehicle and in the
1598 offender's prior record, there are three or more grand thefts of
1599 the third degree involving a motor vehicle, the subtotal
1600 sentence points are multiplied by 1.5.

1601
1602 Offense related to a criminal gang: If the offender is convicted
1603 of the primary offense and committed that offense for the
1604 purpose of benefiting, promoting, or furthering the interests of
1605 a criminal gang as defined in s. 874.03, the subtotal sentence
1606 points are multiplied by 1.5. If applying the multiplier results
1607 in the lowest permissible sentence exceeding the statutory
1608 maximum sentence for the primary offense under chapter 775, the
1609 court may not apply the multiplier and must sentence the
1610 defendant to the statutory maximum sentence.

1611
1612 Domestic violence in the presence of a child: If the offender is
1613 convicted of the primary offense and the primary offense is a
1614 crime of domestic violence, as defined in s. 741.28, which was
1615 committed in the presence of a child under 16 years of age who
1616 is a family or household member as defined in s. 741.28(3) with
1617 the victim or perpetrator, the subtotal sentence points are
1618 multiplied by 1.5.

1619
1620 Adult-on-minor sex offense: If the offender was 18 years of age
1621 or older and the victim was younger than 18 years of age at the
1622 time the offender committed the primary offense, and if the
1623 primary offense was an offense committed on or after October 1,
1624 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the

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1625 violation involved a victim who was a minor and, in the course
1626 of committing that violation, the defendant committed a sexual
1627 battery under chapter 794 or a lewd act under s. 800.04 or s.
1628 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
1629 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
1630 800.04; or s. 847.0135(5), the subtotal sentence points are
1631 multiplied by 2.0. If applying the multiplier results in the
1632 lowest permissible sentence exceeding the statutory maximum
1633 sentence for the primary offense under chapter 775, the court
1634 may not apply the multiplier and must sentence the defendant to
1635 the statutory maximum sentence.

1636 Section 40. For the purpose of incorporating the amendment
1637 made by this act to section 741.28, Florida Statutes, in a
1638 reference thereto, section 938.08, Florida Statutes, is
1639 reenacted to read:

1640 938.08 Additional cost to fund programs in domestic
1641 violence.—In addition to any sanction imposed for a violation of
1642 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.
1643 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.
1644 784.083, s. 784.085, s. 794.011, or for any offense of domestic
1645 violence described in s. 741.28, the court shall impose a
1646 surcharge of \$201. Payment of the surcharge shall be a condition
1647 of probation, community control, or any other court-ordered
1648 supervision. The sum of \$85 of the surcharge shall be deposited
1649 into the Domestic Violence Trust Fund established in s. 741.01.
1650 The clerk of the court shall retain \$1 of each surcharge that
1651 the clerk of the court collects as a service charge of the
1652 clerk's office. The remainder of the surcharge shall be provided
1653 to the governing board of the county and must be used only to

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1654 defray the costs of incarcerating persons sentenced under s.
1655 741.283 and provide additional training to law enforcement
1656 personnel in combating domestic violence.

1657 Section 41. For the purpose of incorporating the amendment
1658 made by this act to section 741.28, Florida Statutes, in a
1659 reference thereto, paragraph (a) of subsection (2) of section
1660 943.171, Florida Statutes, is reenacted to read:

1661 943.171 Basic skills training in handling domestic violence
1662 cases.—

1663 (2) As used in this section, the term:

1664 (a) "Domestic violence" has the meaning set forth in s.
1665 741.28.

1666 Section 42. For the purpose of incorporating the amendment
1667 made by this act to section 741.28, Florida Statutes, in a
1668 reference thereto, subsection (4) of section 944.705, Florida
1669 Statutes, is reenacted to read:

1670 944.705 Release orientation program.—

1671 (4) Any inmate who claims to be a victim of domestic
1672 violence as defined in s. 741.28 shall receive, as part of the
1673 release orientation program, referral to the nearest domestic
1674 violence center certified under chapter 39.

1675 Section 43. For the purpose of incorporating the amendment
1676 made by this act to section 741.28, Florida Statutes, in a
1677 reference thereto, section 948.038, Florida Statutes, is
1678 reenacted to read:

1679 948.038 Batterers' intervention program as a condition of
1680 probation, community control, or other court-ordered community
1681 supervision.—As a condition of probation, community control, or
1682 any other court-ordered community supervision, the court shall

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1683 order a person convicted of an offense of domestic violence, as
1684 defined in s. 741.28, to attend and successfully complete a
1685 batterers' intervention program unless the court determines that
1686 the person does not qualify for the batterers' intervention
1687 program pursuant to s. 741.325. The offender must pay the cost
1688 of attending the program.

1689 Section 44. For the purpose of incorporating the amendment
1690 made by this act to section 741.28, Florida Statutes, in a
1691 reference thereto, subsection (2) of section 985.255, Florida
1692 Statutes, is reenacted to read:

1693 985.255 Detention criteria; detention hearing.—

1694 (2) A child who is charged with committing an offense that
1695 is classified as an act of domestic violence as defined in s.
1696 741.28 and whose risk assessment instrument indicates secure
1697 detention is not appropriate may be held in secure detention if
1698 the court makes specific written findings that:

1699 (a) Respite care for the child is not available.

1700 (b) It is necessary to place the child in secure detention
1701 in order to protect the victim from injury.

1702
1703 The child may not be held in secure detention under this
1704 subsection for more than 48 hours unless ordered by the court.
1705 After 48 hours, the court shall hold a hearing if the state
1706 attorney or victim requests that secure detention be continued.
1707 The child may continue to be held in detention care if the court
1708 makes a specific, written finding that detention care is
1709 necessary to protect the victim from injury. However, the child
1710 may not be held in detention care beyond the time limits set
1711 forth in this section or s. 985.26.

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1712 Section 45. For the purpose of incorporating the amendment
1713 made by this act to section 741.28, Florida Statutes, in a
1714 reference thereto, paragraph (b) of subsection (3) of section
1715 985.265, Florida Statutes, is reenacted to read:

1716 985.265 Detention transfer and release; education; adult
1717 jails.—

1718 (3)

1719 (b) When a juvenile is released from secure detention or
1720 transferred to supervised release detention, detention staff
1721 shall immediately notify the appropriate law enforcement agency,
1722 school personnel, and victim if the juvenile is charged with
1723 committing any of the following offenses or attempting to commit
1724 any of the following offenses:

- 1725 1. Murder, under s. 782.04;
- 1726 2. Sexual battery, under chapter 794;
- 1727 3. Stalking, under s. 784.048; or
- 1728 4. Domestic violence, as defined in s. 741.28.

1729 Section 46. This act shall take effect July 1, 2025.