

1 A bill to be entitled
2 An act relating to domestic violence and protective
3 injunctions; amending s. 741.28, F.S.; defining the
4 terms "electronic monitoring" and "military protective
5 order"; creating s. 741.2801, F.S.; defining the term
6 "conviction"; providing enhanced penalties for
7 committing a domestic violence offense if a person has
8 a prior conviction for domestic violence; providing
9 that sentencing and incentive gain-time eligibility
10 determinations are made without regard to a penalty
11 enhancement; amending s. 741.281, F.S.; authorizing,
12 and in certain circumstances requiring, a court to
13 order electronic monitoring in domestic violence
14 cases; amending s. 741.30, F.S.; revising the
15 information contained in a petition for injunction for
16 protection against domestic violence; revising the
17 factors a judge may consider in determining whether to
18 grant a petition for injunction against domestic
19 violence; requiring the Department of Law Enforcement
20 to enter injunctions against dating violence and
21 sexual violence into a statewide verification system;
22 amending s. 741.31, F.S.; authorizing, and in certain
23 circumstances requiring, a court to order electronic
24 monitoring for a respondent to an injunction for
25 protection against domestic violence; requiring the

26 respondent to pay for such electronic monitoring
27 services; requiring a law enforcement officer to make
28 a specified notification if he or she has probable
29 cause to believe that a person violated a military
30 protective order; amending s. 784.047, F.S.;
31 authorizing, and in certain circumstances requiring, a
32 court to order electronic monitoring for a respondent
33 in an injunction for protection against dating
34 violence, repeat violence, or sexual violence;
35 requiring the respondent to pay for such electronic
36 monitoring services; amending s. 960.198, F.S.;
37 increasing the dollar amounts for relocation
38 assistance for victims of domestic violence; amending
39 ss. 921.0024, 943.0584, and 943.171, F.S.; conforming
40 cross-references; providing an effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 **Section 1. Subsections (3) and (4) of section 741.28,**
45 **Florida Statutes, are renumbered as subsections (4) and (5),**
46 **respectively, and a new subsection (3) and subsection (6) are**
47 **added to that section, to read:**

48 741.28 Domestic violence; definitions.—As used in ss.
49 741.28-741.31:

50 (3) "Electronic monitoring" means tracking the location of

51 a person through the use of technology that is capable of
52 determining or identifying the monitored person's presence or
53 absence at a particular location, including, but not limited to:

54 (a) Radio frequency signaling technology, which detects if
55 the monitored person is or is not at an approved location and
56 notifies the monitoring agency of the time that the monitored
57 person either leaves the approved location or tampers with or
58 removes the monitoring device; or

59 (b) Active or passive global positioning system
60 technology, which detects the location of the monitored person
61 and notifies the monitoring agency of the monitored person's
62 location and which may also include electronic monitoring with
63 victim notification technology that is capable of notifying a
64 victim or protected party, either directly or through a
65 monitoring agency, if the monitored person enters within the
66 restricted distance of a victim or protected party or within the
67 restricted distance of a designated location.

68 (6) "Military protective order" means a protective order
69 issued in accordance with 10 U.S.C. s. 1567 by a commanding
70 officer in the Armed Forces of the United States or the National
71 Guard of any state against a person under such officer's
72 command.

73 **Section 2. Section 741.2801, Florida Statutes, is created**
74 **to read:**

75 741.2801 Domestic violence; enhanced penalties.—

76 (1) As used in this section, the term "conviction" means a
77 determination of guilt that is the result of a plea or trial,
78 regardless of whether adjudication is withheld or a plea or nolo
79 contendere is entered.

80 (2) If a person has a prior conviction for a crime of
81 domestic violence, upon a finding by the factfinder that the
82 defendant committed a second or subsequent offense of domestic
83 violence, the penalty for any such felony or misdemeanor offense
84 may be enhanced. Any penalty enhancement affects the applicable
85 statutory maximum penalty only. Each of the findings required as
86 a basis for such sentence must be found beyond a reasonable
87 doubt. The enhancement will be as follows:

88 (a) A misdemeanor of the second degree may be punished as
89 if it were a misdemeanor of the first degree.

90 (b) A misdemeanor of the first degree may be punished as
91 if it were a felony of the third degree. For purposes of
92 sentencing under chapter 921, such offense is ranked in level 1
93 of the offense severity ranking chart.

94 (c) A felony of the third degree may be punished as if it
95 were a felony of the second degree.

96 (d) A felony of the second degree may be punished as if it
97 were a felony of the first degree.

98 (e) A felony of the first degree may be punished as if it
99 were a life felony.

101 For purposes of sentencing under chapter 921 and determining
102 incentive gain-time eligibility under chapter 944, such felony
103 offense is ranked as provided in s. 921.0022 or s. 921.0023 and
104 without regard to the penalty enhancement in this section.

105 **Section 3. Section 741.281, Florida Statutes, is amended**
106 **to read:**

107 741.281 Court to order batterers' intervention program
108 attendance; electronic monitoring.—

109 (1) If a person is found guilty of, has adjudication
110 withheld on, or pleads nolo contendere to a crime of domestic
111 violence, ~~as defined in s. 741.28,~~ that person shall be ordered
112 by the court to a minimum term of 1 year's probation and the
113 court shall order that the defendant attend and complete a
114 batterers' intervention program as a condition of probation. The
115 court must impose the condition of the batterers' intervention
116 program for a defendant under this section, but the court, in
117 its discretion, may determine not to impose the condition if it
118 states on the record why a batterers' intervention program might
119 be inappropriate. The court must impose the condition of the
120 batterers' intervention program for a defendant placed on
121 probation unless the court determines that the person does not
122 qualify for the batterers' intervention program pursuant to s.
123 741.325. The imposition of probation under this section does not
124 preclude the court from imposing any sentence of imprisonment
125 authorized by s. 775.082.

126 (2) If a person is found guilty of, has adjudication
127 withheld on, or pleads nolo contendere to a crime of domestic
128 violence, and the court enters a no contact order with the
129 victim as a condition of his or her probation, the court:

130 (a) May order the person to have electronic monitoring
131 supervision as a condition of his or her probation.

132 (b) Must order the person to have electronic monitoring
133 supervision as a condition of his or her probation if:

134 1. The court finds there is clear and convincing evidence
135 that the defendant poses a threat of violence or physical harm
136 to the victim; or

137 2. The defendant has previously been convicted for
138 violating an injunction for protection against domestic
139 violence, dating violence, repeat violence, sexual violence, or
140 stalking.

141 **Section 4. Paragraph (b) of subsection (3), paragraph (b)**
142 **of subsection (6), and paragraph (b) of subsection (8) of**
143 **section 741.30, Florida Statutes, are amended to read:**

144 741.30 Domestic violence; injunction; powers and duties of
145 court and clerk; petition; notice and hearing; temporary
146 injunction; issuance of injunction; statewide verification
147 system; enforcement; public records exemption.—

148 (3)

149 (b) The verified petition shall be in substantially the
150 following form:

PETITION FOR

INJUNCTION FOR PROTECTION

AGAINST DOMESTIC VIOLENCE

The undersigned petitioner ...(name)... declares under penalties of perjury that the following statements are true:

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

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

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

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

(d) Physical description of respondent:.....

Race.....

Sex.....

Date of birth.....

Height.....

Weight.....

Eye color.....

Hair color.....

Distinguishing marks or scars.....

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

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage

to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent:.....

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt:.....

Case numbers should be included if available.

(h) Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has: ...(mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or visitation exchange)...

.....
committed or threatened to commit domestic violence

defined in s. 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another.

With the exception of persons who are parents of a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

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

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

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

....intentionally injured or killed or threatened to injure or kill a family pet, including a service animal as defined in s. 413.08(1), Florida Statutes, or an emotional support animal as defined in s. 760.27(1), Florida Statutes.

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

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

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

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

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

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

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

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

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

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

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

....Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because:.....

251 (j) Petitioner genuinely fears imminent domestic violence
252 by respondent.

253 (k) Petitioner seeks an injunction: ...(mark appropriate
254 section or sections)...

255Immediately restraining the respondent from committing
256 any acts of domestic violence.

257Restraining the respondent from committing any acts of
258 domestic violence.

259Awarding to the petitioner the temporary exclusive use
260 and possession of the dwelling that the parties share or
261 excluding the respondent from the residence of the petitioner.

262Providing a temporary parenting plan, including a
263 temporary time-sharing schedule, with regard to the minor child
264 or children of the parties which might involve prohibiting or
265 limiting time-sharing or requiring that it be supervised by a
266 third party.

267Designating that the exchange of the minor child or
268 children of the parties must occur at a neutral safe exchange
269 location as provided in s. 125.01(8) or a location authorized by
270 a supervised visitation program as defined in s. 753.01 if
271 temporary time-sharing of the child is awarded to the
272 respondent.

273Establishing temporary support for the minor child or
274 children or the petitioner.

275Directing the respondent to participate in a batterers'

intervention program.

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

(6)

(b) In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.

2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.

4. Whether the respondent has intentionally injured or killed or threatened to injure or kill a family pet, including a service animal as defined in s. 413.08(1) or an emotional support animal as defined in s. 760.27(1).

5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.

6. Whether the respondent has physically restrained the

petitioner from leaving the home or calling law enforcement.

7. Whether the respondent has a criminal history involving violence or the threat of violence.

8. The existence of a verifiable order of protection issued previously or from another jurisdiction, including a military protective order.

9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.

10. Whether the respondent has or had engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short, which evidences a continuity of purpose and which reasonably causes the petitioner to believe that the petitioner or his or her minor child or children are in imminent danger of becoming victims of any act of domestic violence.

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

In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs 1.-11.

(8)

(b) A Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System is created within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions, dating violence injunctions, sexual violence injunctions, and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

Section 5. Subsection (5) of section 741.31, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

741.31 Violation of an injunction for protection against domestic violence.—

(5) Regardless of whether ~~or not~~ there is a criminal prosecution under subsection (4), the court:

(a) Shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate.

(b) May order the respondent to electronic monitoring

351 supervision for the duration of the injunction for protection.
352 If electronic monitoring is ordered, the court must establish
353 exclusion zones and include safety-planning and informed consent
354 for the petitioner. The respondent is responsible for paying for
355 the electronic monitoring services as provided in s. 948.09(2).

356 (c) Must order the respondent to electronic monitoring if
357 the court finds that either of the circumstances in s.
358 741.281(2) (b) exist.

359 (7) If a law enforcement officer has probable cause to
360 believe that a person committed a violation of subsection (4)
361 and such officer determines that a military protective order
362 entered into the National Crime Information Center database was
363 also issued against such person and the officer has probable
364 cause to believe that the person also violated the military
365 protective order, the officer, or his or her employing agency,
366 must notify the law enforcement agency that entered the military
367 protective order into the database.

368 **Section 6. Subsection (3) is added to section 784.047,**
369 **Florida Statutes, to read:**

370 784.047 Penalties for violating protective injunction
371 against violators; electronic monitoring.—

372 (3) (a) Regardless of whether there is a criminal
373 prosecution under this section, the court may order the
374 respondent to electronic monitoring supervision for the duration
375 of the injunction for protection. If electronic monitoring is

ordered, the court must establish exclusion zones and include safety planning and informed consent for the petitioner. The respondent is responsible for paying for the electronic monitoring services as provided in s. 948.09(2).

(b) The court must order the respondent to electronic monitoring supervision if the court finds that either of the circumstances in s. 741.281(2)(b) exist.

Section 7. Subsection (1) of section 960.198, Florida Statutes, is amended to read:

960.198 Relocation assistance for victims of domestic violence.—

(1) Notwithstanding the criteria set forth in s. 960.13 for crime victim compensation awards, the department may award a one-time payment of up to \$2,500 ~~\$1,500~~ on any one claim and a lifetime maximum of \$5,000 ~~\$3,000~~ to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.

Section 8. Paragraph (b) of subsection (1) of section 921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status

401 existed at the time the offender committed an offense before the
402 court for sentencing. Four (4) sentence points are assessed for
403 an offender's legal status.

404
405 Community sanction violation points are assessed when a
406 community sanction violation is before the court for sentencing.
407 Six (6) sentence points are assessed for each community sanction
408 violation and each successive community sanction violation,
409 unless any of the following apply:

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

415 2. If the community sanction violation is committed by a
416 violent felony offender of special concern as defined in s.
417 948.06:

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

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

423 II. The community sanction violation is not based solely
424 on the probationer or offender's failure to pay costs or fines
425 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 assessment of community sanction violation points.

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

Prior capital felony points: If the offender has one or more prior capital felonies in the offender's criminal record, points shall be added to the subtotal sentence points of the offender

equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony in the offender's criminal record is a previous capital felony offense for which the offender has entered a plea of nolo contendere or guilty or has been found guilty; or a felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

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

Sentencing multipliers:

Aggravated Animal Cruelty: If the primary offense is aggravated animal cruelty under s. 828.12(2), which included the knowing

476 and intentional torture or torment of an animal that injured,
477 mutilated, or killed the animal, the subtotal sentence points
478 are multiplied by 1.25. As used in this paragraph, the term
479 "animal" does not include an animal used for agricultural
480 purposes or permitted as captive wildlife as authorized under s.
481 379.303.

482
483 Drug trafficking: If the primary offense is drug trafficking
484 under s. 893.135, the subtotal sentence points are multiplied,
485 at the discretion of the court, for a level 7 or level 8
486 offense, by 1.5. The state attorney may move the sentencing
487 court to reduce or suspend the sentence of a person convicted of
488 a level 7 or level 8 offense, if the offender provides
489 substantial assistance as described in s. 893.135(4).

490
491 Violent offenses committed against specified justice system
492 personnel: If the primary offense is a violation of s.
493 775.0823(2), (3), or (4), the subtotal sentence points are
494 multiplied by 2.5. If the primary offense is a violation of s.
495 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
496 are multiplied by 2.0. If the primary offense is a violation of
497 s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the
498 subtotal sentence points are multiplied by 1.5.

499
500 Grand theft of a motor vehicle: If the primary offense is grand

theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Fleeing or attempting to elude a law enforcement officer: If the primary offense is fleeing or attempting to elude a law enforcement officer or aggravated fleeing or eluding in violation of s. 316.1935, and in the offender's prior record, there is one or more violation of s. 316.1935, the subtotal sentence points are multiplied by 1.5.

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

Domestic violence in the presence of a child: If the offender is convicted of the primary offense and the primary offense is a crime of domestic violence, as defined in s. 741.28, which was

committed in the presence of a child under 16 years of age who is a family or household member, as defined in s. 741.28, ~~s. 741.28(3)~~ with the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

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

Section 9. Paragraph (f) of subsection (2) of section 943.0584, Florida Statutes, is amended to read:

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

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

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

Section 10. Paragraph (b) of subsection (2) of section 943.171, Florida Statutes, is amended to read:

943.171 Basic skills training in handling domestic violence cases.—

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

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

Section 11. This act shall take effect July 1, 2026.