

By the Committee on Criminal Justice; and Senators Sharief, Osgood, and Berman

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A bill to be entitled

An act relating to injunctions for protection; amending s. 784.046, F.S.; defining the terms "serious violence by a known person" and "serious bodily injury"; creating a cause of action for an injunction for protection in cases of serious violence by a known person; specifying the persons who have standing to file such injunction for protection in circuit court if specified conditions are met; prohibiting the clerk of the court from assessing a fee for the filing of such injunction for protection; requiring the clerk of the court to provide the petitioner with a certified copy of such injunction for protection; providing requirements for such petition for injunction for protection; providing requirements for a temporary or final judgment on such injunction for protection; requiring the clerk of the court to electronically transmit copies of specified documents within a certain timeframe after a court issues such injunction for protection; requiring law enforcement officers to accept a certified copy of such injunction for protection from the petitioner and immediately serve it upon a respondent; providing requirements for inclusion of such injunction for protection in a specified statewide communication system; requiring that a respondent be held in custody if he or she is arrested for committing an act of serious violence by a known person in violation of an injunction for protection until being brought before the court;

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conforming provisions to changes made by the act;
making technical changes; amending ss. 44.407, 61.13,
61.1825, 394.4597, 394.4598, 741.313, 784.047,
784.048, and 934.03, F.S.; conforming provisions to
changes made by the act; reenacting ss. 28.2221
(8)(a), (c), and (d), 28.35(2)(i), 57.105(8),
61.1827(1), 741.311(2), 741.315(2), 790.401(2)(e) and
(3)(c), 901.15(6), 901.41(5), 921.141(6)(p),
921.1425(7)(j), 921.1427(7)(i), and 934.425(3), F.S.;
relating to electronic access to official records,
Florida Clerks of Court Operations Corporation, the
awarding of attorney fees, identifying information
concerning applicants for and recipients of child
support services, Hope Card Program for persons issued
orders of protection, recognition of foreign
protection orders, risk protection orders, when arrest
by a law enforcement officer without a warrant is
lawful, prearrest diversion programs, aggravating
factors relating to a sentence of death or life
imprisonment for capital felonies, aggravating factors
relating to a sentence of death or life imprisonment
for capital sexual battery, aggravating factors
relating to a sentence of death or life imprisonment
for capital human trafficking of vulnerable persons
for sexual exploitation, and installation or use of
tracking devices or applications, respectively, to
incorporate the amendment made to s. 784.046, F.S., in
references thereto; providing an effective date.

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

Section 1. Section 784.046, Florida Statutes, is amended to read:

784.046 Action by victim of repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption.—

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

(e) ~~(a)~~ "Violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.

(b) "Repeat violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.

(d) ~~(e)~~ "Sexual violence" means any one incident of:

1. Sexual battery, as defined in chapter 794;
2. A lewd or lascivious act, as defined in chapter 800, committed upon or in the presence of a person younger than 16 years of age;
3. Luring or enticing a child, as described in chapter 787;
4. Sexual performance by a child, as described in chapter 827; or
5. Any other forcible felony wherein a sexual act is

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88 committed or attempted,

89
90 regardless of whether criminal charges based on the incident
91 were filed, reduced, or dismissed by the state attorney.

92 (a)~~(d)~~ "Dating violence" means violence between individuals
93 who have or have had a continuing and significant relationship
94 of a romantic or intimate nature. The existence of such a
95 relationship must ~~shall~~ be determined based on ~~the~~ consideration
96 of the following factors:

97 1. A dating relationship must have existed within the past
98 6 months;

99 2. The nature of the relationship must have been
100 characterized by the expectation of affection or sexual
101 involvement between the parties; and

102 3. The frequency and type of interaction between the
103 persons involved in the relationship must have included that the
104 persons have been involved over time and on a continuous basis
105 during the course of the relationship.

106
107 The term does not include violence in a casual acquaintanceship
108 or violence between individuals who only have engaged in
109 ordinary fraternization in a business or social context.

110 (c) "Serious violence by a known person" means an act of
111 violence between individuals who are known to one another, when
112 such violence causes serious bodily injury. As used in this
113 paragraph, the term "serious bodily injury" means a physical
114 condition that creates a substantial risk of death, serious
115 personal disfigurement, or protracted loss or impairment of the
116 function of any bodily member or organ.

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117 (2) There is created a cause of action for an injunction
118 for protection in cases of repeat violence, there is created a
119 separate cause of action for an injunction for protection in
120 cases of dating violence, ~~and~~ there is created a separate cause
121 of action for an injunction for protection in cases of sexual
122 violence, and there is created a separate cause of action for an
123 injunction for protection in cases of serious violence by a
124 known person.

125 (a) Any person who is the victim of repeat violence or the
126 parent or legal guardian of any minor child who is living at
127 home and who seeks an injunction for protection against repeat
128 violence on behalf of the minor child has standing in the
129 circuit court to file a verified petition for an injunction for
130 protection against repeat violence.

131 (b) Any person who is the victim of dating violence and has
132 reasonable cause to believe he or she is in imminent danger of
133 becoming the victim of another act of dating violence, or any
134 person who has reasonable cause to believe he or she is in
135 imminent danger of becoming the victim of an act of dating
136 violence, or the parent or legal guardian of any minor child who
137 is living at home and who seeks an injunction for protection
138 against dating violence on behalf of that minor child, has
139 standing in the circuit court to file a verified petition for an
140 injunction for protection against dating violence.

141 (c) A person who is the victim of sexual violence or the
142 parent or legal guardian of a minor child who is living at home
143 who is the victim of sexual violence has standing in the circuit
144 court to file a verified petition for an injunction for
145 protection against sexual violence on his or her own behalf or

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on behalf of the minor child if:

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

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

(d) A person who is the victim of serious violence by a known person or the parent or legal guardian of a minor child who is living at home and who is the victim of serious violence by a known person has standing in the circuit court to file a verified petition for an injunction for protection against serious violence by a known person on his or her own behalf or on behalf of the minor child if the person has reported such violence to a law enforcement agency and is cooperating with any criminal proceedings against the respondent, regardless of whether criminal charges based on the serious violence have been filed, reduced, or dismissed by the state attorney.

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

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

(3)(a) The clerk of the court shall provide a copy of this section, simplified forms, and clerical assistance for the

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175 preparation and filing of such a petition by any person who is
176 not represented by counsel.

177 (b) Notwithstanding any other law, the clerk of the court
178 may not assess a fee for filing a petition for protection
179 against repeat violence, sexual violence, ~~or~~ dating violence, or
180 serious violence by a known person. However, subject to
181 legislative appropriation, the clerk of the court may, each
182 quarter, submit to the Justice Administrative Commission a
183 certified request for reimbursement for petitions for protection
184 issued by the court under this section at the rate of \$40 per
185 petition. The request for reimbursement must be submitted in the
186 form and manner prescribed by the Justice Administrative
187 Commission. From this reimbursement, the clerk shall pay the law
188 enforcement agency serving the injunction the fee requested by
189 the law enforcement agency; however, this fee may not exceed
190 \$20.

191 (c) No bond is ~~shall be~~ required by the court for the entry
192 of an injunction.

193 (d) The clerk of the court shall provide the petitioner
194 with a certified copy of any injunction for protection against
195 repeat violence, sexual violence, ~~or~~ dating violence, or serious
196 violence by a known person entered by the court.

197 (4) (a) The verified petition must ~~shall~~ allege the
198 incidents of repeat violence, sexual violence, ~~or~~ dating
199 violence, or serious violence by a known person and must ~~shall~~
200 include the specific facts and circumstances that form the basis
201 upon which relief is sought. With respect to a minor child who
202 is living at home, the parent or legal guardian seeking the
203 protective injunction on behalf of the minor child must:

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

2. Have reasonable cause to believe that the minor child is a victim of repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person to form the basis upon which relief is sought, if the party against whom the protective injunction is sought is a person other than a parent, stepparent, or legal guardian of the minor child.

(b) The verified petition must be in substantially the following form:

PETITION FOR INJUNCTION FOR PROTECTION
AGAINST REPEAT VIOLENCE, SEXUAL
VIOLENCE, ~~OR~~ DATING VIOLENCE, OR
SERIOUS VIOLENCE BY A KNOWN PERSON

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

1. Petitioner resides at ...(address)... (A petitioner for an injunction for protection against sexual violence may furnish an address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of his or her current residence to be confidential pursuant to s. 119.071(2)(j), Florida Statutes.)

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

3.a. Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has: ...(enumerate incidents of violence)...

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

c. Petitioner is a victim of dating violence and has reasonable cause to believe that he or she is in imminent danger of becoming the victim of another act of dating violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of dating violence, as demonstrated by the fact that the respondent has: ...(list the specific incident or incidents of violence and describe the length of time of the relationship, whether it has been in existence during the last 6 months, the nature of the relationship of a romantic or intimate nature, the frequency and type of interaction, and any other facts that characterize the relationship)...

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265
266 d. Petitioner has suffered serious violence by a known
267 person as demonstrated by the fact that respondent has: ...
268 (list the specific incident of serious violence and the known
269 association to the respondent)...

270 4. Petitioner genuinely fears repeat violence by the
271 respondent.

272 5. Petitioner seeks: an immediate injunction against the
273 respondent, enjoining him or her from committing any further
274 acts of violence; an injunction enjoining the respondent from
275 committing any further acts of violence; and an injunction
276 providing any terms the court deems necessary for the protection
277 of the petitioner and the petitioner's immediate family,
278 including any injunctions or directives to law enforcement
279 agencies.

280
281 (c) Every petition for an injunction against sexual
282 violence, dating violence, ~~or~~ repeat violence, or serious
283 violence by a known person must contain, directly above the
284 signature line, a statement in all capital letters and bold type
285 not smaller than the surrounding text, as follows:

286
287 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ
288 THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
289 ARE TRUE. I UNDERSTAND THAT THE STATEMENTS MADE IN
290 THIS PETITION ARE BEING MADE UNDER PENALTIES OF

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PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525,
FLORIDA STATUTES.

...(initials)...

(5) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent must ~~shall~~ be personally served with a copy of the petition, notice of hearing, and temporary injunction, if any, before ~~prior to~~ the hearing.

(6) (a) When it appears to the court that an immediate and present danger of violence exists, the court may grant a temporary injunction that ~~which~~ may be granted in an ex parte hearing, pending a full hearing, and may grant such relief as the court deems proper, including an injunction enjoining the respondent from committing any acts of violence.

(b) Except as provided in s. 90.204, in a hearing ex parte for the purpose of obtaining such temporary injunction, no evidence other than the verified pleading or affidavit may ~~shall~~ be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing.

(c) Any such ex parte temporary injunction is ~~shall be~~ effective for a fixed period not to exceed 15 days. However, an ex parte temporary injunction granted under subparagraph (2) (c) 2. is effective for 15 days following the date the respondent is released from incarceration. A full hearing, as provided by this section, must ~~shall~~ be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the ex parte

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injunction and the full hearing before or during a hearing, for good cause shown by any party.

(7) Upon notice and hearing, the court may grant such relief as the court deems proper, including an injunction:

(a) Enjoining the respondent from committing any acts of violence.

(b) Ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies, as provided in this section.

(c) The terms of the injunction shall remain in full force and effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. Such relief may be granted in addition to other civil or criminal remedies.

(d) A temporary or final judgment on injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person entered pursuant to this section must ~~shall~~, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date that the respondent was served with the temporary or final order, if obtainable.

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(8)(a)1. Within 24 hours after the court issues an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person, the clerk of the court shall electronically transmit a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. An electronic copy of an injunction must be certified by the clerk of the court, and the electronic copy must be served in the same manner as a certified copy. Upon receiving an electronic copy of the injunction, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. In addition, if the sheriff is in possession of an injunction for protection that has been certified by the clerk of the court, the sheriff may electronically transmit a copy of that injunction to a law enforcement officer who shall serve it in the same manner as a certified copy. The clerk of the court is responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the chief judge's jurisdiction to effect this type of service and to receive a portion of the service fee. A person may not serve or execute an injunction issued under this section unless the person is a law enforcement

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officer as defined in chapter 943.

2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in the execution or service of the injunction. A law enforcement officer must accept a copy of an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

(b) A Domestic Violence, Dating Violence, Sexual Violence, ~~and Repeat~~ Violence, and Serious Violence by a Known Person 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~~, and serious violence by a known person 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.

(c)1. Within 24 hours after the court issues an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person or changes or vacates an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious

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407 violence by a known person, the clerk of the court must
408 electronically transmit a copy of the injunction to the sheriff
409 with jurisdiction over the residence of the petitioner.

410 2. Within 24 hours after service of process of an
411 injunction for protection against repeat violence, sexual
412 violence, ~~or~~ dating violence, or serious violence by a known
413 person upon a respondent, the law enforcement officer must
414 electronically transmit the written proof of service of process
415 to the sheriff with jurisdiction over the residence of the
416 petitioner.

417 3. Within 24 hours after the sheriff receives a certified
418 copy of the injunction for protection against repeat violence,
419 sexual violence, ~~or~~ dating violence, or serious violence by a
420 known person, the sheriff must make information relating to the
421 injunction available to other law enforcement agencies by
422 electronically transmitting such information to the department.

423 4. Within 24 hours after the sheriff or other law
424 enforcement officer has made service upon the respondent and the
425 sheriff has been so notified, the sheriff must make information
426 relating to the service available to other law enforcement
427 agencies by electronically transmitting such information to the
428 department.

429 5. Subject to available funding, the Florida Association of
430 Court Clerks and Comptrollers shall develop an automated process
431 by which a petitioner may request notification of service of the
432 injunction for protection against repeat violence, sexual
433 violence, ~~or~~ dating violence, or serious violence by a known
434 person and other court actions related to the injunction for
435 protection. The automated notice must be made within 12 hours

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436 after the sheriff or other law enforcement officer serves the
437 injunction upon the respondent. The notification must include,
438 at a minimum, the date, time, and location where the injunction
439 for protection against repeat violence, sexual violence, ~~or~~
440 dating violence, or serious violence by a known person was
441 served. The Florida Association of Court Clerks and Comptrollers
442 may apply for any available grants to fund the development of
443 the automated process.

444 6. Within 24 hours after an injunction for protection
445 against repeat violence, sexual violence, ~~or~~ dating violence, or
446 serious violence by a known person is lifted, terminated, or
447 otherwise rendered no longer effective by ruling of the court,
448 the clerk of the court must notify the sheriff or local law
449 enforcement agency receiving original notification of the
450 injunction as provided in subparagraph 2. That agency shall,
451 within 24 hours after receiving such notification from the clerk
452 of the court, notify the department of such action of the court.

453 (d) The petitioner may request a Hope Card under s. 741.311
454 after the court has issued a final order of protection.

455 (9)(a) The court shall enforce, through a civil or criminal
456 contempt proceeding, a violation of an injunction for
457 protection. The court may enforce the respondent's compliance
458 with the injunction by imposing a monetary assessment. The clerk
459 of the court shall collect and receive such assessments. On a
460 monthly basis, the clerk shall transfer the moneys collected
461 pursuant to this paragraph to the State Treasury for deposit in
462 the Crimes Compensation Trust Fund established in s. 960.21.

463 (b) If the respondent is arrested by a law enforcement
464 officer under s. 901.15(6) for committing an act of repeat

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465 violence, sexual violence, ~~or~~ dating violence, or serious
466 violence by a known person in violation of an injunction for
467 protection, the respondent must ~~shall~~ be held in custody until
468 brought before the court as expeditiously as possible for the
469 purpose of enforcing the injunction and for admittance to bail
470 in accordance with chapter 903 and the applicable rules of
471 criminal procedure, pending a hearing.

472 (10) The petitioner or the respondent may move the court to
473 modify or dissolve an injunction at any time.

474 (11) Any law enforcement officer who investigates an
475 alleged incident of dating violence shall assist the victim to
476 obtain medical treatment if such is required as a result of the
477 alleged incident to which the officer responds. Any law
478 enforcement officer who investigates an alleged incident of
479 dating violence shall advise the victim of such violence that
480 there is a domestic violence center from which the victim may
481 receive services. The law enforcement officer shall give the
482 victim immediate notice of the legal rights and remedies
483 available on a standard form developed and distributed by the
484 Department of Law Enforcement. As necessary, the Department of
485 Law Enforcement shall revise the Legal Rights and Remedies
486 Notice to Victims to include a general summary of this section,
487 using simple English as well as Spanish, and shall distribute
488 the notice as a model form to be used by all law enforcement
489 agencies throughout this ~~the~~ state. The notice must ~~shall~~
490 include:

491 (a) The resource listing, including telephone number, for
492 the area domestic violence center designated by the Department
493 of Children and Families; and

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(b) A copy of the following statement:

"IF YOU ARE THE VICTIM OF DATING VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from dating violence which may include, but need not be limited to, provisions that restrain the abuser from further acts of abuse; direct the abuser to leave your household; and prevent the abuser from entering your residence, school, business, or place of employment."

(12) When a law enforcement officer investigates an allegation that an incident of dating violence has occurred, the officer shall handle the incident pursuant to the arrest policy provided in s. 901.15(7), and as developed in accordance with subsections (13), (14), and (16). Whether or not an arrest is made, the officer shall make a written police report that is complete and clearly indicates that the alleged offense was an incident of dating violence. Such report must ~~shall~~ be given to the officer's supervisor and filed with the law enforcement agency in a manner that will permit data on dating violence cases to be compiled. Such report must include:

(a) A description of physical injuries observed, if any.

(b) If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the grounds for not arresting anyone or for arresting two or more parties.

(c) A statement indicating ~~which indicates~~ that a copy of the legal rights and remedies notice was given to the victim.

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Whenever possible, the law enforcement officer shall obtain a written statement from the victim and witnesses concerning the alleged dating violence. The officer shall submit the report to the supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made. The law enforcement agency shall, without charge, send a copy of the initial police report, as well as any subsequent, supplemental, or related report, which excludes victim or witness statements or other materials that are part of an active criminal investigation and are exempt from disclosure under chapter 119, to the nearest locally certified domestic violence center within 24 hours after the agency's receipt of the report. The report furnished to the domestic violence center must include a narrative description of the dating violence incident.

(13) Whenever a law enforcement officer determines upon probable cause that an act of dating violence has been committed within the jurisdiction, or that a person has violated a condition of pretrial release as provided in s. 903.047 and the original arrest was for an act of dating violence, the officer may arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge does ~~shall~~ not require consent of the victim or consideration of the relationship of the parties.

(14)(a) When complaints are received from two or more parties, the officers shall evaluate each complaint separately to determine whether there is probable cause for arrest.

(b) If a law enforcement officer has probable cause to

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552 believe that two or more persons have committed a misdemeanor or
553 felony, or if two or more persons make complaints to the
554 officer, the officer must ~~shall~~ try to determine who was the
555 primary aggressor. Arrest is the preferred response only with
556 respect to the primary aggressor and not the preferred response
557 with respect to a person who acts in a reasonable manner to
558 protect or defend himself or herself or another family or
559 household member from dating violence.

560 (15) A person who willfully violates a condition of
561 pretrial release provided in s. 903.047, when the original
562 arrest was for an act of dating violence as defined in this
563 section, commits a misdemeanor of the first degree, punishable
564 as provided in s. 775.082 or s. 775.083, and shall be held in
565 custody until his or her first appearance.

566 (16) A law enforcement officer acting in good faith under
567 this section and the officer's employing agency shall be immune
568 from all liability, civil or criminal, that might otherwise be
569 incurred or imposed by reason of the officer's or agency's
570 actions in carrying out the provisions of this section.

571 Section 2. Paragraph (a) of subsection (5) of section
572 44.407, Florida Statutes, is amended to read:

573 44.407 Elder-focused dispute resolution process.—

574 (5) QUALIFICATIONS FOR ELDERCARING COORDINATORS.—

575 (a) The court shall appoint qualified eldercaring
576 coordinators who:

577 1. Meet one of the following professional requirements:

578 a. Are licensed as a mental health professional under
579 chapter 491 and hold at least a master's degree in the
580 professional field of practice;

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- b. Are licensed as a psychologist under chapter 490;
- c. Are licensed as a physician under chapter 458 or chapter 459;
- d. Are licensed as a nurse under chapter 464 and hold at least a master's degree;
- e. Are certified by the Florida Supreme Court as a family mediator and hold at least a master's degree;
- f. Are a member in good standing of The Florida Bar; or
- g. Are a professional guardian as defined in s. 744.102(17) and hold at least a master's degree.
2. Have completed all of the following:
- a. Three years of postlicensure or postcertification practice;
- b. A family mediation training program certified by the Florida Supreme Court; and
- c. An eldercaring coordinator training program certified by the Florida Supreme Court. The training must total at least 44 hours and must include advanced tactics for dispute resolution of issues related to aging, illness, incapacity, or other vulnerabilities associated with elders, as well as elder, guardianship, and incapacity law and procedures and less restrictive alternatives to guardianship; phases of eldercaring coordination and the role and functions of an eldercaring coordinator; the elder's role within eldercaring coordination; family dynamics related to eldercaring coordination; eldercaring coordination skills and techniques; multicultural competence and its use in eldercaring coordination; at least 6 hours of the implications of elder abuse, neglect, and exploitation and other safety issues pertinent to the training; at least 4 hours of

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610 ethical considerations pertaining to the training; use of
611 technology within eldercaring coordination; and court-specific
612 eldercaring coordination procedures. Pending certification of a
613 training program by the Florida Supreme Court, the eldercaring
614 coordinator must document completion of training that satisfies
615 the hours and the elements prescribed in this sub-subparagraph.

616 3. Have successfully passed a Level 2 background screening
617 as provided in s. 435.04(2) and (3) or are exempt from
618 disqualification under s. 435.07. The prospective eldercaring
619 coordinator must submit a full set of fingerprints to the court
620 or to a vendor, entity, or agency authorized by s. 943.053(13).
621 The court, vendor, entity, or agency shall forward the
622 fingerprints to the Department of Law Enforcement for state
623 processing, and the Department of Law Enforcement shall forward
624 the fingerprints to the Federal Bureau of Investigation for
625 national processing. The prospective eldercaring coordinator
626 shall pay the fees for state and federal fingerprint processing.
627 The state cost for fingerprint processing shall be as provided
628 in s. 943.053(3)(e) for records provided to persons or entities
629 other than those specified as exceptions therein.

630 4. Have not been a respondent in a final order granting an
631 injunction for protection against domestic violence, dating
632 violence, sexual violence, ~~or~~ repeat violence, serious violence
633 by a known person, or stalking or exploitation of an elder or a
634 disabled person.

635 5. Have met any additional qualifications the court may
636 require to address issues specific to the parties.

637 Section 3. Paragraph (c) of subsection (2) of section
638 61.13, Florida Statutes, is amended to read

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639 61.13 Support of children; parenting and time-sharing;
640 powers of court.—

641 (2)

642 (c) The court shall determine all matters relating to
643 parenting and time-sharing of each minor child of the parties in
644 accordance with the best interests of the child and in
645 accordance with the Uniform Child Custody Jurisdiction and
646 Enforcement Act, except that modification of a parenting plan
647 and time-sharing schedule requires a showing of a substantial
648 and material change of circumstances.

649 1. It is the public policy of this state that each minor
650 child has frequent and continuing contact with both parents
651 after the parents separate or the marriage of the parties is
652 dissolved and to encourage parents to share the rights and
653 responsibilities, and joys, of childrearing. Unless otherwise
654 provided in this section or agreed to by the parties, there is a
655 rebuttable presumption that equal time-sharing of a minor child
656 is in the best interests of the minor child. To rebut this
657 presumption, a party must prove by a preponderance of the
658 evidence that equal time-sharing is not in the best interests of
659 the minor child. Except when a time-sharing schedule is agreed
660 to by the parties and approved by the court, the court must
661 evaluate all of the factors set forth in subsection (3) and make
662 specific written findings of fact when creating or modifying a
663 time-sharing schedule.

664 2. The court shall order that the parental responsibility
665 for a minor child be shared by both parents unless the court
666 finds that shared parental responsibility would be detrimental
667 to the child. In determining detriment to the child, the court

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shall consider:

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

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

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

d. Any other relevant factors.

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

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

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

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

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

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

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believed the victim to be under 18 years of age.

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

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

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

6. There is a rebuttable presumption against granting time-

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

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

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

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

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

Section 4. Paragraph (a) of subsection (3) of section
61.1825, Florida Statutes, is amended to read:

61.1825 State Case Registry.—

(3)(a) For the purpose of this section, a family violence
indicator must be placed on a record when:

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1. A party executes a sworn statement requesting that a family violence indicator be placed on that party's record which states that the party has reason to believe that release of information to the Federal Case Registry may result in physical or emotional harm to the party or the child; or

2. A temporary or final injunction for protection against domestic violence has been granted pursuant to s. 741.30(6), an injunction for protection against domestic violence has been issued by a court of a foreign state pursuant to s. 741.315, or a temporary or final injunction for protection against repeat violence has been granted pursuant to s. 784.046; or

3. The department has received information on a Title IV-D case from the Domestic Violence, Dating Violence, Sexual Violence, ~~and~~ Repeat Violence, and Serious Violence by a Known Person Injunction Statewide Verification System, established pursuant to s. 784.046(8)(b), that a court has granted a party a domestic violence or repeat violence injunction.

Section 5. Paragraph (e) of subsection (2) of section 394.4597, Florida Statutes, is amended to read:

394.4597 Persons to be notified; patient's representative.—

(2) INVOLUNTARY PATIENTS.—

(e) The following persons are prohibited from selection as a patient's representative:

1. A professional providing clinical services to the patient under this part.

2. The licensed professional who initiated the involuntary examination of the patient, if the examination was initiated by professional certificate.

3. An employee, an administrator, or a board member of the

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784 facility providing the examination of the patient.

785 4. An employee, an administrator, or a board member of a
786 treatment facility providing treatment for the patient.

787 5. A person providing any substantial professional services
788 to the patient, including clinical services.

789 6. A creditor of the patient.

790 7. A person subject to an injunction for protection against
791 domestic violence under s. 741.30, whether the order of
792 injunction is temporary or final, and for which the patient was
793 the petitioner.

794 8. A person subject to an injunction for protection against
795 repeat violence, stalking, sexual violence, ~~or~~ dating violence,
796 or serious violence by a known person under s. 784.046, whether
797 the order of injunction is temporary or final, and for which the
798 patient was the petitioner.

799 Section 6. Paragraph (h) of subsection (2) of section
800 394.4598, Florida Statutes, is amended to read:

801 394.4598 Guardian advocate.—

802 (2) The following persons are prohibited from appointment
803 as a patient's guardian advocate:

804 (h) A person subject to an injunction for protection
805 against repeat violence, stalking, sexual violence, ~~or~~ dating
806 violence, or serious violence by a known person under s.
807 784.046, whether the order of injunction is temporary or final,
808 and for which the patient was the petitioner.

809 Section 7. Paragraph (b) of subsection (2) of section
810 741.313, Florida Statutes, is amended to read:

811 741.313 Unlawful action against employees seeking
812 protection.—

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(2)

(b) This section applies if an employee uses the leave from work to:

1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, ~~or~~ sexual violence, or serious violence by a known person;

2. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;

3. Obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;

4. Make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator; or

5. Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.

Section 8. Subsection (1) of section 784.047, Florida Statutes, is amended to read:

784.047 Penalties for violating protective injunction against violators.—

(1) A person who willfully violates an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person issued pursuant

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to s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315 by:

(a) Refusing to vacate the dwelling that the parties share;

(b) Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

(c) Committing an act of repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person against the petitioner;

(d) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;

(e) Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;

(f) Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;

(g) Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or

(h) Refusing to surrender firearms or ammunition if ordered to do so by the court,

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except as provided in subsection (2).

Section 9. Subsection (4) of section 784.048, Florida

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Statutes, is amended to read:

784.048 Stalking; definitions; penalties.—

(4) A person who, after an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Paragraph (m) of subsection (2) of section 934.03, Florida Statutes, is amended to read:

934.03 Interception and disclosure of wire, oral, or electronic communications prohibited.—

(2)

(m) It is lawful under this section and ss. 934.04-934.09 for a person who is protected under an active temporary or final injunction for repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person under s. 784.046; stalking under s. 784.0485; domestic violence under s. 741.30; or any other court-imposed prohibition of conduct toward the person to intercept and record a wire, oral, or electronic communication received in violation of such injunction or court order. A recording authorized under this paragraph may be provided to a law enforcement agency, an attorney, or a court for the purpose of evidencing a violation of an injunction or court order if the subject of the injunction or court order

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prohibiting contact has been served the injunction or is on notice that the conduct is prohibited. A recording authorized under this paragraph may not be otherwise disseminated or shared.

Section 11. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in references thereto, paragraphs (a), (c), and (d) of subsection (8) of section 28.2221, Florida Statutes, are reenacted to read:

28.2221 Electronic access to official records.—

(8)(a) Each county recorder or clerk of the court must make the identity of each respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered, as well as the fact that a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 has been entered against that respondent, publicly available on the county recorder's or clerk of the court's official website, unless the respondent is a minor. The identity and information required under this subsection must be viewable through a searchable database that is available in a clear and conspicuous location on the homepage of the county recorder's or clerk of the court's official website and must be available for search by the general public.

(c) Any information specified in this subsection not made available by the county clerk of the court as provided in this subsection before July 1, 2024, must be made publicly available on the county recorder's or clerk of the court's official website if the affected party identifies the information and requests that such information be added for general public

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display. Such request must be in writing and delivered by mail, facsimile, or electronic transmission or in person to the county recorder or clerk of the court. The request must specify the case number assigned to the final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485. A fee may not be charged for the addition of information pursuant to such request.

(d) No later than 30 days after July 1, 2024, notice of the right of any affected party to request the addition of information to the searchable database on the county recorder's or clerk of the court's official website pursuant to this subsection must be conspicuously and clearly displayed by the county recorder or clerk of the court on the county recorder's or clerk of the court's official website on which images or copies of the county's public records are placed and in the office of each county recorder or clerk of the court. Such notice must contain appropriate instructions for making the addition of information request in person, by mail, by facsimile, or by electronic transmission. The notice must state, in substantially similar form, that any person has a right to request that a county recorder or clerk of the court add information to the searchable database on the county recorder's or clerk of the court's official website if that information involves the identity of a respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered, unless the respondent is a minor. The notice must also state that the information related to the identity of each respondent against whom a final judgment for an injunction for the protection of a

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minor under s. 741.30, s. 784.046, or s. 784.0485 is entered is available for search by the general public. The notice must include step-by-step instructions detailing how a user can access the searchable database and search for such information. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission or in person to the county recorder or clerk of the court. The request must specify the case number assigned to the final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485. A fee may not be charged for the addition of a document pursuant to such request.

Section 12. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (i) of subsection (2) of section 28.35, Florida Statutes, is reenacted to read:

28.35 Florida Clerks of Court Operations Corporation.—

(2) The duties of the corporation shall include the following:

(i) Annually preparing a budget request which, notwithstanding the provisions of chapter 216 and in accordance with s. 216.351, provides the anticipated amount necessary for reimbursement pursuant to ss. 40.29(6), 741.30(2)(a), 784.046(3)(b), 784.0485(2)(a), and 825.1035(4)(i). The request for the anticipated reimbursement amount must be submitted in the form and manner prescribed by the Justice Administrative Commission. Such request is not subject to change by the Justice Administrative Commission, except for technical changes necessary to conform to the legislative budget instructions, and must be submitted to the Governor for transmittal to the

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Legislature.

Section 13. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (8) of section 57.105, Florida Statutes, is reenacted to read:

57.105 Attorney's fee; sanctions for raising unsupported claims or defenses; exceptions; service of motions; damages for delay of litigation.—

(8) Attorney fees may not be awarded under this section in proceedings for an injunction for protection pursuant to s. 741.30, s. 784.046, or s. 784.0485, unless the court finds by clear and convincing evidence that the petitioner knowingly made a false statement or allegation in the petition or that the respondent knowingly made a false statement or allegation in an asserted defense, with regard to a material matter as defined in s. 837.011(3).

Section 14. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (1) of section 61.1827, Florida Statutes, is reenacted to read:

61.1827 Identifying information concerning applicants for and recipients of child support services.—

(1) Any information that reveals the identity of applicants for or recipients of child support services, including the name, address, and telephone number of such persons, held by a non-Title IV-D county child support enforcement agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The use or disclosure of such information by the non-Title IV-D county child support

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1016 enforcement agency is limited to the purposes directly connected
1017 with:

1018 (a) Any investigation, prosecution, or criminal or civil
1019 proceeding connected with the administration of any non-Title
1020 IV-D county child support enforcement program;

1021 (b) Mandatory disclosure of identifying and location
1022 information as provided in s. 61.13(7) by the non-Title IV-D
1023 county child support enforcement agency when providing non-Title
1024 IV-D services;

1025 (c) Mandatory disclosure of information as required by ss.
1026 409.2577, 61.181, 61.1825, and 61.1826 and Title IV-D of the
1027 Social Security Act; or

1028 (d) Disclosure to an authorized person, as defined in 45
1029 C.F.R. s. 303.15, for purposes of enforcing any state or federal
1030 law with respect to the unlawful taking or restraint of a child
1031 or making or enforcing a parenting plan. As used in this
1032 paragraph, the term "authorized person" includes a parent with
1033 whom the child does not currently reside, unless a court has
1034 entered an order under s. 741.30, s. 741.31, or s. 784.046.

1035 Section 15. For the purpose of incorporating the amendment
1036 made by this act to section 784.046, Florida Statutes, in a
1037 reference thereto, subsection (2) of section 741.311, Florida
1038 Statutes, is reenacted to read:

1039 741.311 Hope Card Program for persons issued orders of
1040 protection.—

1041 (2) Beginning October 1, 2024, a person who has been issued
1042 a final judgment on injunction for protection under s. 741.30,
1043 s. 784.046, s. 784.0485, or s. 825.1035 may request a Hope Card
1044 from the clerk of the court of the circuit in which the order

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for an injunction for protection was entered. A person may request a Hope Card at the time the final judgment on injunction for protection is issued or at any other time before the expiration of the order for protection.

Section 16. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (2) of section 741.315, Florida Statutes, is reenacted to read:

741.315 Recognition of foreign protection orders.—

(2) Pursuant to 18 U.S.C. s. 2265, an injunction for protection against domestic violence issued by a court of a foreign state must be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as if it were the order of a Florida court issued under s. 741.30, s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487, and provided that the court had jurisdiction over the parties and the matter and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process. Ex parte foreign injunctions for protection are not eligible for enforcement under this section unless notice and opportunity to be heard have been provided within the time required by the foreign state or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

Section 17. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in references thereto, paragraph (e) of subsection (2) and paragraph (c) of subsection (3) of section 790.401, Florida

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Statutes, are reenacted to read:

790.401 Risk protection orders.—

(2) PETITION FOR A RISK PROTECTION ORDER.—There is created an action known as a petition for a risk protection order.

(e) A petition must:

1. Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;

2. Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody, or control; and

3. Identify whether there is a known existing protection order governing the respondent under s. 741.30, s. 784.046, or s. 784.0485 or under any other applicable statute.

(3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

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

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

2. An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or

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threats of violence by the respondent against himself or herself or others.

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

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

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

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

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

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

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

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

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

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

13. Evidence of recent acquisition of firearms or

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ammunition by the respondent.

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

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

Section 18. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (6) of section 901.15, Florida Statutes, is reenacted to read:

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

(6) There is probable cause to believe that the person has committed a criminal act according to s. 790.233 or according to s. 741.31, s. 784.047, or s. 825.1036 which violates an injunction for protection entered pursuant to s. 741.30, s. 784.046, or s. 825.1035 or a foreign protection order accorded full faith and credit pursuant to s. 741.315, over the objection of the petitioner, if necessary.

Section 19. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (5) of section 901.41, Florida Statutes, is reenacted to read:

901.41 Prearrest diversion programs.—

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

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Section 20. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (p) of subsection (6) of section 921.141, Florida Statutes, is reenacted to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(6) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(p) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Section 21. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (j) of subsection (7) of section 921.1425, Florida Statutes, is reenacted to read:

921.1425 Sentence of death or life imprisonment for capital sexual battery; further proceedings to determine sentence.—

(7) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(j) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Section 22. For the purpose of incorporating the amendment

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made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (i) of subsection (7) of section 921.1427, Florida Statutes, is reenacted to read:

921.1427 Sentence of death or life imprisonment for capital human trafficking of vulnerable persons for sexual exploitation; further proceedings to determine sentence.—

(7) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(i) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Section 23. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (3) of section 934.425, Florida Statutes, is reenacted to read:

934.425 Installation or use of tracking devices or tracking applications; exceptions; penalties.—

(3) For purposes of this section, a person's consent is presumed to be revoked if:

(a) The consenting person and the person to whom consent was given are lawfully married and one person files a petition for dissolution of marriage from the other; or

(b) The consenting person or the person to whom consent was given files an injunction for protection against the other person pursuant to s. 741.30, s. 741.315, s. 784.046, or s. 784.0485.

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Section 24. This act shall take effect July 1, 2026.