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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/20/2026	.	
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The Appropriations Committee on Criminal and Civil Justice  
(Calatayud) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 123 - 972

and insert:

Section 1. Present subsections (3) and (4) of section  
741.28, Florida Statutes, are redesignated as subsections (4)  
and (5), respectively, and a new subsection (3) and subsection  
(6) are added to that section, to read:

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



105746

11           (3) "Electronic monitoring" means tracking the location of  
12 a person through the use of technology that is capable of  
13 determining or identifying the monitored person's presence or  
14 absence at a particular location, including, but not limited to:

15           (a) Radio frequency signaling technology, which detects if  
16 the monitored person is or is not at an approved location and  
17 notifies the monitoring agency of the time that the monitored  
18 person either leaves the approved location or tampers with or  
19 removes the monitoring device; or

20           (b) Active or passive global positioning system technology,  
21 which detects the location of the monitored person and notifies  
22 the monitoring agency of the monitored person's location and  
23 which may also include electronic monitoring with victim  
24 notification technology that is capable of notifying a victim or  
25 protected party, either directly or through a monitoring agency,  
26 if the monitored person enters within the restricted distance of  
27 a victim or protected party or within the restricted distance of  
28 a designated location.

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

34           Section 2. Section 741.2801, Florida Statutes, is created  
35 to read:

36           741.2801 Domestic violence; enhanced penalties.—

37           (1) As used in this section, the term "conviction" means a  
38 determination of guilt that is the result of a plea or trial,  
39 regardless of whether adjudication is withheld or a plea of nolo



105746

40 contendere is entered.

41 (2) If a person has a prior conviction for a crime of  
42 domestic violence, upon a finding by the factfinder that the  
43 defendant committed a second or subsequent offense of domestic  
44 violence, the penalty for any such felony or misdemeanor offense  
45 may be enhanced. Any penalty enhancement affects the applicable  
46 statutory maximum penalty only. Each of the findings required as  
47 a basis for such sentence must be found beyond a reasonable  
48 doubt. The enhancement will be as follows:

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

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

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

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

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

61  
62 For purposes of sentencing under chapter 921 and determining  
63 incentive gain-time eligibility under chapter 944, such felony  
64 offense is ranked as provided in s. 921.0022 or s. 921.0023 and  
65 without regard to the penalty enhancement in this section.

66 Section 3. Section 741.281, Florida Statutes, is amended to  
67 read:

68 741.281 Court to order batterers' intervention program



105746

69 attendance; electronic monitoring.—

70       (1) If a person is found guilty of, has adjudication  
71 withheld on, or pleads nolo contendere to a crime of domestic  
72 violence, as defined in s. 741.28, that person shall be ordered  
73 by the court to a minimum term of 1 year's probation and the  
74 court shall order that the defendant attend and complete a  
75 batterers' intervention program as a condition of probation. The  
76 court must impose the condition of the batterers' intervention  
77 program for a defendant under this section, but the court, in  
78 its discretion, may determine not to impose the condition if it  
79 states on the record why a batterers' intervention program might  
80 be inappropriate. The court must impose the condition of the  
81 batterers' intervention program for a defendant placed on  
82 probation unless the court determines that the person does not  
83 qualify for the batterers' intervention program pursuant to s.  
84 741.325. The imposition of probation under this section does not  
85 preclude the court from imposing any sentence of imprisonment  
86 authorized by s. 775.082.

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

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

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

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



105746

98           2. The defendant has previously been convicted for  
99 violating an injunction for protection against domestic  
100 violence, dating violence, repeat violence, sexual violence, or  
101 stalking.

102           Section 4. Paragraph (b) of subsection (3), paragraph (b)  
103 of subsection (6), and paragraph (b) of subsection (8) of  
104 section 741.30, Florida Statutes, are amended to read:

105           741.30 Domestic violence; injunction; powers and duties of  
106 court and clerk; petition; notice and hearing; temporary  
107 injunction; issuance of injunction; statewide verification  
108 system; enforcement; public records exemption.-

109           (3)

110           (b) The verified petition shall be in substantially the  
111 following form:

112   PETITION FOR  
113   INJUNCTION FOR PROTECTION  
114   AGAINST DOMESTIC VIOLENCE  
115

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

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

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

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

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

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



105746

127 Race.....  
128 Sex.....  
129 Date of birth.....  
130 Height.....  
131 Weight.....  
132 Eye color.....  
133 Hair color.....  
134 Distinguishing marks or scars.....  
135 (e) Aliases of respondent:.....  
136 (f) Respondent is the spouse or former spouse of the  
137 petitioner or is any other person related by blood or marriage  
138 to the petitioner or is any other person who is or was residing  
139 within a single dwelling unit with the petitioner, as if a  
140 family, or is a person with whom the petitioner has a child in  
141 common, regardless of whether the petitioner and respondent are  
142 or were married or residing together, as if a family.  
143 (g) The following describes any other cause of action  
144 currently pending between the petitioner and respondent:.....  
145 .....  
146 The petitioner should also describe any previous or pending  
147 attempts by the petitioner to obtain an injunction for  
148 protection against domestic violence in this or any other  
149 circuit, and the results of that attempt:.....  
150 .....  
151 Case numbers should be included if available.  
152 (h) Petitioner is either a victim of domestic violence or  
153 has reasonable cause to believe he or she is in imminent danger  
154 of becoming a victim of domestic violence because respondent  
155 has: ...(mark all sections that apply and describe in the spaces



156 below the incidents of violence or threats of violence,  
157 specifying when and where they occurred, including, but not  
158 limited to, locations such as a home, school, place of  
159 employment, or visitation exchange)...

160 .....  
161 .....

162 ....committed or threatened to commit domestic violence  
163 defined in s. 741.28, Florida Statutes, as any assault,  
164 aggravated assault, battery, aggravated battery, sexual assault,  
165 sexual battery, stalking, aggravated stalking, kidnapping, false  
166 imprisonment, or any criminal offense resulting in physical  
167 injury or death of one family or household member by another.

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

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

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

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

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

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

184 ....physically restrained the petitioner from leaving the



105746

185 home or calling law enforcement.

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

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

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

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

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

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

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

203  
204 ....Petitioner needs the exclusive use and possession of  
205 the dwelling that the parties share.

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

208  
209 ....Petitioner genuinely fears that respondent imminently  
210 will abuse, remove, or hide the minor child or children from  
211 petitioner because:

212  
213 (j) Petitioner genuinely fears imminent domestic violence



105746

214 by respondent.

215 (k) Petitioner seeks an injunction: ...(mark appropriate  
216 section or sections)...

217 ....Immediately restraining the respondent from committing  
218 any acts of domestic violence.

219 ....Restraining the respondent from committing any acts of  
220 domestic violence.

221 ....Awarding to the petitioner the temporary exclusive use  
222 and possession of the dwelling that the parties share or  
223 excluding the respondent from the residence of the petitioner.

224 ....Providing a temporary parenting plan, including a  
225 temporary time-sharing schedule, with regard to the minor child  
226 or children of the parties which might involve prohibiting or  
227 limiting time-sharing or requiring that it be supervised by a  
228 third party.

229 ....Designating that the exchange of the minor child or  
230 children of the parties must occur at a neutral safe exchange  
231 location as provided in s. 125.01(8) or a location authorized by  
232 a supervised visitation program as defined in s. 753.01 if  
233 temporary time-sharing of the child is awarded to the  
234 respondent.

235 ....Establishing temporary support for the minor child or  
236 children or the petitioner.

237 ....Directing the respondent to participate in a batterers'  
238 intervention program.

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



105746

- 243 (6)
- 244 (b) In determining whether a petitioner has reasonable  
245 cause to believe he or she is in imminent danger of becoming a  
246 victim of domestic violence, the court shall consider and  
247 evaluate all relevant factors alleged in the petition,  
248 including, but not limited to:
- 249 1. The history between the petitioner and the respondent,  
250 including threats, harassment, stalking, and physical abuse.
- 251 2. Whether the respondent has attempted to harm the  
252 petitioner or family members or individuals closely associated  
253 with the petitioner.
- 254 3. Whether the respondent has threatened to conceal,  
255 kidnap, or harm the petitioner's child or children.
- 256 4. Whether the respondent has intentionally injured or  
257 killed or threatened to injure or kill a family pet, including a  
258 service animal as defined in s. 413.08(1) or an emotional  
259 support animal as defined in s. 760.27(1).
- 260 5. Whether the respondent has used, or has threatened to  
261 use, against the petitioner any weapons such as guns or knives.
- 262 6. Whether the respondent has physically restrained the  
263 petitioner from leaving the home or calling law enforcement.
- 264 7. Whether the respondent has a criminal history involving  
265 violence or the threat of violence.
- 266 8. The existence of a verifiable order of protection issued  
267 previously or from another jurisdiction, including a military  
268 protective order.
- 269 9. Whether the respondent has destroyed personal property,  
270 including, but not limited to, telephones or other  
271 communications equipment, clothing, or other items belonging to



105746

272 the petitioner.

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

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

284  
285 In making its determination under this paragraph, the court is  
286 not limited to those factors enumerated in subparagraphs 1.-11.

287 (8)

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

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



105746

301 section, to read:

302 741.31 Violation of an injunction for protection against  
303 domestic violence.—

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

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

312 (b) May order the respondent to electronic monitoring  
313 supervision for the duration of the injunction for protection.  
314 If electronic monitoring is ordered, the court must establish  
315 exclusion zones and include safety-planning and informed consent  
316 for the petitioner. The respondent is responsible for paying for  
317 the electronic monitoring services as provided in s. 948.09(2).

318 (c) Must order the respondent to electronic monitoring if  
319 the court finds that either of the circumstances in s.  
320 741.281(2)(b) exist.

321 (7) If a law enforcement officer has probable cause to  
322 believe that a person committed a violation of subsection (4)  
323 and such officer determines that a military protective order  
324 entered into the National Crime Information Center database was  
325 also issued against such person and the officer has probable  
326 cause to believe that the person also violated the military  
327 protective order, the officer, or his or her employing agency,  
328 must notify the law enforcement agency that entered the military  
329 protective order into the database.



330 Section 6. Subsection (3) is added to section 784.047,  
331 Florida Statutes, to read:

332 784.047 Penalties for violating protective injunction  
333 against violators; electronic monitoring.—

334 (3) (a) Regardless of whether there is a criminal  
335 prosecution under this section, the court may order the  
336 respondent to electronic monitoring supervision for the duration  
337 of the injunction for protection. If electronic monitoring is  
338 ordered, the court must establish exclusion zones and include  
339 safety planning and informed consent for the petitioner. The  
340 respondent is responsible for paying for the electronic  
341 monitoring services as provided in s. 948.09(2).

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

345  
346 ===== T I T L E A M E N D M E N T =====

347 And the title is amended as follows:

348 Delete lines 2 - 115

349 and insert:

350 An act relating to domestic violence and protective  
351 injunctions; amending s. 741.28, F.S.; defining the  
352 terms "electronic monitoring" and "military protective  
353 order"; creating s. 741.2801, F.S.; defining the term  
354 "conviction"; providing enhanced penalties for  
355 committing a domestic violence offense if a person has  
356 a prior conviction for domestic violence; providing  
357 that sentencing and incentive gain-time eligibility  
358 determinations are made without regard to a penalty



105746

359 enhancement; amending s. 741.281, F.S.; authorizing,  
360 and in certain circumstances requiring, a court to  
361 order electronic monitoring in domestic violence  
362 cases; amending s. 741.30, F.S.; revising the  
363 information contained in a petition for injunction for  
364 protection against domestic violence; revising the  
365 factors a judge may consider in determining whether to  
366 grant a petition for injunction against domestic  
367 violence; requiring the Department of Law Enforcement  
368 to enter injunctions against dating violence and  
369 sexual violence into a statewide verification system;  
370 amending s. 741.31, F.S.; authorizing, and in certain  
371 circumstances requiring, a court to order electronic  
372 monitoring for a respondent to an injunction for  
373 protection against domestic violence; requiring the  
374 respondent to pay for such electronic monitoring  
375 services; requiring a law enforcement officer to make  
376 a specified notification if he or she has probable  
377 cause to believe that a person violated a military  
378 protective order; amending s. 784.047, F.S.;;  
379 authorizing, and in certain circumstances requiring, a  
380 court to order electronic monitoring for a respondent  
381 in an injunction for protection against dating  
382 violence, repeat violence, or sexual violence;  
383 requiring the respondent to pay for such electronic  
384 monitoring services; amending s. 960.198, F.S.;