

By the Committee on Family Law & Children and
Representatives Roberts, Brown and Effman

1 A bill to be entitled
2 An act relating to domestic violence; amending
3 ss. 25.385, 39.902, 741.28, and 943.171, F.S.;
4 redefining the terms "domestic violence" and
5 "family or household member"; amending s.
6 61.1825, F.S.; providing for additional
7 circumstances when a family violence indicator
8 must be placed on a record; amending s.
9 90.5036, F.S.; redefining the terms "domestic
10 violence center" and "domestic violence
11 advocate"; specifying the persons to whom
12 confidential communication provisions apply;
13 providing for confidentiality of certain
14 communications only if the domestic violence
15 advocate is registered with the Department of
16 Children and Family Services; amending s.
17 470.002, F.S.; revising the definition of
18 "legally authorized person" for purposes of
19 domestic violence cases; amending s. 741.2901,
20 F.S.; prohibiting certain family or household
21 members from qualifying as legally authorized
22 persons in cases involving domestic violence;
23 amending s. 741.30, F.S.; specifying when a
24 person has standing to file a petition for an
25 injunction against domestic violence; providing
26 for incidents that describe violence or threats
27 of violence; providing legislative intent with
28 regard to victim protection; authorizing the
29 court to grant extensions of temporary
30 injunctions; specifying when a court may grant
31 relief; providing factors for the court to

1 consider in determining imminent danger;
2 requiring a batterers' intervention program to
3 provide notification of discharge; providing
4 that respondents must complete a batterers'
5 intervention program if ordered; providing
6 circumstances under which the court may not
7 grant a request to modify or dissolve an
8 injunction; requiring recording of proceedings;
9 directing the Office of the State Courts
10 Administrator to examine and develop
11 recommendations concerning certain court
12 practices; requiring a report to the Governor
13 and Legislature; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (2) of section 25.385, Florida
18 Statutes, is amended to read:

19 25.385 Standards for instruction of circuit and county
20 court judges in handling domestic violence cases.--

21 (2) As used in this section:

22 (a) ~~The term~~ "Domestic violence" means any assault,
23 aggravated assault, battery, aggravated battery, sexual
24 assault, sexual battery, stalking, aggravated stalking,
25 kidnapping, false imprisonment, or any criminal offense
26 resulting in physical injury or death of one family or
27 household member by another, ~~who is or was residing in the~~
28 ~~same single dwelling unit.~~

29 (b) "Family or household member" means:

30 1. Spouse.

31 2. Former spouse.

1 3. Persons related by blood or marriage who are or
2 were residing in the same single dwelling unit.

3 4. Persons who are presently residing together, as if
4 a family.~~or~~

5 5. Persons who have resided together in the past, as
6 if a family.~~and~~

7 6. Persons who have a child in common regardless of
8 whether they have been married or have resided together at any
9 time.

10 Section 2. Subsections (1) and (3) of section 39.902,
11 Florida Statutes, are amended to read:

12 39.902 Definitions.--As used in this part, the term:

13 (1) "Domestic violence" means any assault, aggravated
14 assault, battery, aggravated battery, sexual assault, sexual
15 battery, stalking, aggravated stalking, kidnapping, false
16 imprisonment, or any criminal offense resulting in physical
17 injury or death of one family or household member by another
18 ~~who is or was residing in the same single dwelling unit.~~

19 (3) "Family or household member" means:

20 (a) Spouses.

21 (b) Former spouses.

22 (c) Persons ~~adults~~ related by blood or marriage who
23 are or were residing in the same single dwelling unit.

24 (d) Persons who are presently residing together, as if
25 a family.~~or~~

26 (e) Persons who have resided together in the past, as
27 if a family.~~and~~

28 (f) Persons who have a child in common regardless of
29 whether they have been married or have resided together at any
30 time.

31

1 Section 3. Subsection (3) of section 61.1825, Florida
2 Statutes, is amended to read:

3 61.1825 State Case Registry.--

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

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

11 2. A temporary or final injunction for protection
12 against domestic violence has been granted pursuant to s.
13 741.30(6), an injunction for protection against domestic
14 violence has been issued by a court of a foreign state
15 pursuant to s. 741.315, or a temporary or final injunction for
16 protection against repeat violence has been granted pursuant
17 to s. 784.046; or

18 3. The department has received information on a Title
19 IV-D case from the Domestic and Repeat Violence Injunction
20 Statewide Verification System, established pursuant to s.
21 784.046(8)(b), that a court has granted a party a domestic
22 violence or repeat violence injunction.

23 (b) Before the family violence indicator can be
24 removed from a record, the protected person must be afforded
25 notice and an opportunity to appear before the court on the
26 issue of whether the disclosure will result in harm.

27 Section 4. Paragraphs (a) and (b) of subsection (1)
28 and subsection (2) of section 90.5036, Florida Statutes, are
29 amended to read:

30 90.5036 Domestic violence advocate-victim privilege.--

31 (1) For purposes of this section:

1 (a) A "domestic violence center" is any public or
2 private agency that offers assistance to victims of domestic
3 violence, as defined in s. 741.28, and their families as its
4 primary mission and is providing all the services mandated
5 under s. 39.905(1)(c).

6 (b) A "domestic violence advocate" means any employee
7 or volunteer who has 30 hours of training in assisting victims
8 of domestic violence and is an employee of or volunteer for a
9 ~~program for victims of domestic violence center whose primary~~
10 ~~purpose is the rendering of advice, counseling, or assistance~~
11 ~~to victims of domestic violence.~~

12 (2) A victim has a privilege to refuse to disclose,
13 and to prevent any other person from disclosing, a
14 confidential communication made by the victim to a domestic
15 violence advocate or any record made in the course of
16 advising, counseling, or assisting the victim. The privilege
17 applies to confidential communications made between the victim
18 and the domestic violence advocate and to records of those
19 communications only if the advocate is registered with the
20 Department of Children and Family Services under s. 39.905 at
21 the time the communication is made. This privilege includes
22 any advice given by the domestic violence advocate in the
23 course of that relationship.

24 Section 5. Subsection (18) of section 470.002, Florida
25 Statutes, is amended to read:

26 470.002 Definitions.--As used in this chapter:

27 (18) "Legally authorized person" means, in the
28 priority listed, unless barred by s. 741.2901, the decedent,
29 when written inter vivos authorizations and directions are
30 provided by the decedent, the surviving spouse, son or
31 daughter who is 18 years of age or older, parent, brother or

1 sister 18 years of age or over, grandchild who is 18 years of
2 age or older, or grandparent; or any person in the next degree
3 of kinship. In addition, the term may include, if no family
4 exists or is available, the following: the guardian of the
5 dead person at the time of death; the personal representative
6 of the deceased; the attorney in fact of the dead person at
7 the time of death; the health surrogate of the dead person at
8 the time of death; a public health officer; the medical
9 examiner, county commission or administrator acting under
10 chapter 245, or other public administrator; a representative
11 of a nursing home or other health care institution in charge
12 of final disposition; or a friend or other person not listed
13 in this subsection who is willing to assume the responsibility
14 as authorized person.

15 Section 6. Subsections (1) and (2) of section 741.28,
16 Florida Statutes, are amended to read:

17 741.28 Domestic violence; definitions.--As used in ss.
18 741.28-741.31:

19 (1) "Domestic violence" means any assault, aggravated
20 assault, battery, aggravated battery, sexual assault, sexual
21 battery, stalking, aggravated stalking, kidnapping, false
22 imprisonment, or any criminal offense resulting in physical
23 injury or death of one family or household member by another
24 ~~who is or was residing in the same single dwelling unit.~~

25 (2) "Family or household member" means:

26 (a) Spouses.

27 (b) Former spouses.

28 (c) Persons related by blood or marriage who are or
29 were residing in the same single dwelling unit.

30 (d) Persons who are presently residing together, as if
31 a family.~~or~~

1 (e) Persons who have resided together in the past, as
2 if a family, ~~and~~

3 (f) Persons who have a child in common regardless of
4 whether they have been married or have resided together at any
5 time.

6 Section 7. Subsection (3) of section 741.2901, Florida
7 Statutes, is amended to read:

8 741.2901 Domestic violence cases; prosecutors;
9 legislative intent; investigation; duty of circuits; first
10 appearance.--

11 (3) Prior to a defendant's first appearance in any
12 charge of domestic violence as defined in s. 741.28, the State
13 Attorney's Office shall perform a thorough investigation of
14 the defendant's history, including, but not limited to: prior
15 arrests for domestic violence, prior arrests for nondomestic
16 charges, prior injunctions for protection against domestic and
17 repeat violence filed listing the defendant as respondent and
18 noting history of other victims, and prior walk-in domestic
19 complaints filed against the defendant. This information shall
20 be presented at first appearance, when setting bond, and when
21 passing sentence, for consideration by the court. When a
22 defendant is arrested for an act of domestic violence, the
23 defendant shall be held in custody until brought before the
24 court for admittance to bail in accordance with chapter 903. A
25 family or household member arrested for or charged with
26 intentionally causing the death of another family or household
27 member shall not qualify as a "legally authorized person" as
28 defined in s. 470.002.In determining bail, the court shall
29 consider the safety of the victim, the victim's children, and
30 any other person who may be in danger if the defendant is
31 released.

1 Section 8. Subsections (1), (3), (5), and (6) of
2 section 741.30, Florida Statutes, are amended to read:

3 741.30 Domestic violence; injunction; powers and
4 duties of court and clerk; petition; notice and hearing;
5 temporary injunction; issuance of injunction; statewide
6 verification system; enforcement.--

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

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

16 (b) This cause of action for an injunction may be
17 sought whether or not any other cause of action is currently
18 pending between the parties. However, the pendency of any such
19 cause of action shall be alleged in the petition.

20 (c) In the event a subsequent cause of action is filed
21 under chapter 61, any orders entered therein shall take
22 precedence over any inconsistent provisions of an injunction
23 issued under this section which addresses matters governed by
24 chapter 61.

25 (d) A person's right to petition for an injunction
26 shall not be affected by such person having left a residence
27 or household to avoid domestic violence.

28 (e) This cause of action for an injunction may be
29 sought by family or household members. No person shall be
30 precluded from seeking injunctive relief pursuant to this
31 chapter solely on the basis that such person is not a spouse.

1 (f) This cause of action for an injunction shall not
2 require that either party be represented by an attorney.

3 (g) Any person, including an officer of the court, who
4 offers evidence or recommendations relating to the cause of
5 action must either present the evidence or recommendations in
6 writing to the court with copies to each party and their
7 attorney, or must present the evidence under oath at a hearing
8 at which all parties are present.

9 (h) Nothing in this section shall affect the title to
10 any real estate.

11 (i) The court is prohibited from issuing mutual orders
12 of protection. This does not preclude the court from issuing
13 separate injunctions for protection against domestic violence
14 where each party has complied with the provisions of this
15 section. Compliance with the provisions of this section cannot
16 be waived.

17 (3)(a) The sworn petition shall allege the existence
18 of such domestic violence and shall include the specific facts
19 and circumstances upon the basis of which relief is sought.

20 (b) The sworn petition shall be in substantially the
21 following form:

22
23 PETITION FOR
24 INJUNCTION FOR PROTECTION
25 AGAINST DOMESTIC VIOLENCE
26

27 Before me, the undersigned authority, personally appeared
28 Petitioner ...(Name)..., who has been sworn and says that the
29 following statements are true:

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

31

1 (Petitioner may furnish address to the court in a
2 separate confidential filing if, for safety reasons, the
3 petitioner requires the location of the current residence to
4 be confidential.)
5 (b) Respondent resides at: ...(last known address)...
6 (c) Respondent's last known place of employment:
7 ...(name of business and address)...
8 (d) Physical description of respondent:
9 Race....
10 Sex....
11 Date of birth....
12 Height....
13 Weight....
14 Eye color....
15 Hair color....
16 Distinguishing marks or scars....
17 (e) Aliases of respondent:
18 (f) Respondent is the spouse or former spouse of the
19 petitioner or is any other person related by blood or marriage
20 to the petitioner or is any other person who is or was
21 residing within a single dwelling unit with the petitioner, as
22 if a family, or is a person with whom the petitioner has a
23 child in common, regardless of whether the petitioner and
24 respondent are or were married or residing together, as if a
25 family.
26 (g) The following describes any other cause of action
27 currently pending between the petitioner and respondent:
28
29 The petitioner should also describe any previous or
30 pending attempts by the petitioner to obtain an injunction for
31

1 protection against domestic violence in this or any other
2 circuit, and the results of that attempt.....
3
4 Case numbers should be included if available.
5 (h) Petitioner has suffered or has reasonable cause to
6 fear imminent domestic violence because respondent has (check
7 off all that apply and describe in the space(s) below the
8 incidents of violence or threats of violence, including when
9 and where they occurred):
10Committed or threatened to commit domestic violence
11 as defined in s. 741.28.
12Previously threatened, harassed, stalked, or
13 physically abused the petitioner.
14Attempted to harm the petitioner or family members
15 or individuals associated with the petitioner.
16Threatened to conceal, kidnap, or harm the child.
17Intentionally injured or killed a family pet.
18Used or has threatened to use any weapons such as
19 guns or knives against the petitioner.
20Physically restrained the petitioner from leaving
21 the home or calling law enforcement.
22A criminal history involving violence or the threat
23 of violence (if known).
24Another order of protection issued against him or
25 her previously or from another jurisdiction (if known).
26Engaged in any other behavior or conduct that leads
27 the petitioner to believe he or she is in imminent danger of
28 becoming a victim of domestic violence.
29 (i) Petitioner alleges the following additional
30 specific facts: (mark appropriate sections)
31

1 Petitioner is the custodian of a minor child or
2 children whose names and ages are as follows:

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

5 Petitioner is unable to obtain safe alternative
6 housing because:

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

10

11 (j) Petitioner genuinely fears imminent domestic
12 violence by respondent.

13 (k) Petitioner seeks an injunction: (mark appropriate
14 section or sections)

15 Immediately restraining the respondent from
16 committing any acts of domestic violence.

17 Restraining the respondent from committing any acts
18 of domestic violence.

19 Awarding to the petitioner the temporary exclusive
20 use and possession of the dwelling that the parties share or
21 excluding the respondent from the residence of the petitioner.

22 Awarding temporary custody of, or temporary
23 visitation rights with regard to, the minor child or children
24 of the parties, or prohibiting or limiting visitation to that
25 which is supervised by a third party.

26 Establishing temporary support for the minor child
27 or children or the petitioner.

28 Directing the respondent to participate in a
29 batterers' intervention program or other treatment pursuant to
30 s. 39.901.

31

1 2. Awarding to the petitioner the temporary exclusive
2 use and possession of the dwelling that the parties share or
3 excluding the respondent from the residence of the petitioner.

4 3. On the same basis as provided in s. 61.13(2), (3),
5 (4), and (5), granting to the petitioner temporary custody of
6 a minor child or children.

7 (b) In a hearing ex parte for the purpose of obtaining
8 such ex parte temporary injunction, no evidence other than
9 verified pleadings or affidavits shall be used as evidence,
10 unless the respondent appears at the hearing or has received
11 reasonable notice of the hearing. A denial of a petition for
12 an ex parte injunction shall be by written order noting the
13 legal grounds for denial. When the only ground for denial is
14 no appearance of an immediate and present danger of domestic
15 violence, the court shall set a full hearing on the petition
16 for injunction with notice at the earliest possible time.
17 Nothing herein affects a petitioner's right to promptly amend
18 any petition, or otherwise be heard in person on any petition
19 consistent with the Florida Rules of Civil Procedure.

20 (c) Any such ex parte temporary injunction shall be
21 effective for a fixed period not to exceed 15 days.

22 (d) A full hearing, as provided by this section, shall
23 be set for a date no later than the date when the temporary
24 injunction ceases to be effective. It is the intent of the
25 Legislature that lack of service of process during the ex
26 parte injunction process not leave the victim unprotected.
27 Therefore, the court may grant an extension of the temporary
28 injunction and a continuance of the full hearing before or
29 during a hearing for good cause shown by any party, or upon
30 its own motion for good cause, including failure which shall
31 ~~include a continuance~~ to obtain service of process. Any

1 injunction shall be extended if necessary to remain in full
2 force and effect during any period of continuance.

3 (6)(a) Upon notice and hearing, when it appears to the
4 court that the petitioner is either the victim of domestic
5 violence as defined by s. 741.28, or the court has reasonable
6 cause to believe the petitioner is in imminent danger of
7 becoming a victim of domestic violence,the court may grant
8 such relief as the court deems proper, including an
9 injunction:

10 1. Restraining the respondent from committing any acts
11 of domestic violence.

12 2. Awarding to the petitioner the exclusive use and
13 possession of the dwelling that the parties share or excluding
14 the respondent from the residence of the petitioner.

15 3. On the same basis as provided in chapter 61,
16 awarding temporary custody of, or temporary visitation rights
17 with regard to, a minor child or children of the parties.

18 4. On the same basis as provided in chapter 61,
19 establishing temporary support for a minor child or children
20 or the petitioner.

21 5. Ordering the respondent to participate in
22 treatment, intervention, or counseling services to be paid for
23 by the respondent. When the court orders the respondent to
24 participate in a batterers' intervention program, the court,
25 or any entity designated by the court, must provide the
26 respondent with a list of all certified batterers'
27 intervention programs and all programs which have submitted an
28 application to the Department of Corrections to become
29 certified under s. 741.325, from which the respondent must
30 choose a program in which to participate. If there are no
31 certified batterers' intervention programs in the circuit, the

1 court shall provide a list of acceptable programs from which
2 the respondent must choose a program in which to participate.
3 A batterers' intervention program shall provide to the court a
4 notification of the respondent's enrollment and discharge from
5 the program to be placed in the case file. The notification of
6 discharge shall specify one of the following categories for
7 discharge, and reason for discharge if other than completion:
8 completion of the program, rejection of services, or
9 termination from the program.

10 6. Referring a petitioner to a certified domestic
11 violence center. The court must provide the petitioner with a
12 list of certified domestic violence centers in the circuit
13 which the petitioner may contact.

14 7. Ordering such other relief as the court deems
15 necessary for the protection of a victim of domestic violence,
16 including injunctions or directives to law enforcement
17 agencies, as provided in this section.

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

23 1. The history of the relationship between the
24 petitioner and the respondent, including threats, harassment,
25 stalking, and physical abuse.

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

29 3. Whether the respondent has threatened to conceal,
30 kidnap, or harm the child.

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1 4. Whether the respondent has intentionally injured or
2 killed a family pet.

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

6 6. Whether the respondent has physically restrained
7 the petitioner from leaving the home or calling law
8 enforcement.

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

11 8. The existence of a verifiable order of protection
12 issued previously or from another jurisdiction.

13 9. Any other behavior or conduct that leads the court
14 to believe that the petitioner is in imminent danger of
15 becoming a victim of domestic violence.

16
17 In making its determination under this section, the court is
18 not limited to those factors enumerated in subparagraphs 1.-9.

19 ~~(c)(b)~~ The terms of an injunction restraining the
20 respondent under subparagraph (a)1. or ordering other relief
21 for the protection of the victim under subparagraph (a)7.
22 shall remain in effect until modified or dissolved. Either
23 party may move at any time to modify or dissolve the
24 injunction. No specific allegations are required. Such relief
25 may be granted in addition to other civil or criminal
26 remedies. A respondent who requests to dissolve an injunction
27 must have completed a batterers' intervention program if
28 ordered as a condition of his or her injunction, unless the
29 court finds that there is substantial justification for the
30 respondent's failure to complete the program. The court shall
31 not grant the respondent's request to dissolve the injunction

1 unless there is substantial justification for the respondent's
2 failure to complete the program. Further, the court shall not
3 grant a respondent's request to modify the injunction unless
4 the respondent shows good cause for failure to complete the
5 program or good cause for a modification of the injunction.

6 (d)~~(c)~~ A temporary or final judgment on injunction for
7 protection against domestic violence entered pursuant to this
8 section shall, on its face, indicate that:

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

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

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

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

21 (e)~~(d)~~ An injunction for protection against domestic
22 violence entered pursuant to this section, on its face, may
23 order that the respondent attend a batterers' intervention
24 program as a condition of the injunction. Unless the court
25 makes written factual findings in its judgment or order which
26 are based on substantial evidence, stating why batterers'
27 intervention programs would be inappropriate, the court shall
28 order the respondent to attend a batterers' intervention
29 program if:

30 1. It finds that the respondent willfully violated the
31 ex parte injunction;

1 2. The respondent, in this state or any other state,
2 has been convicted of, had adjudication withheld on, or pled
3 nolo contendere to a crime involving violence or a threat of
4 violence; or

5 3. The respondent, in this state or any other state,
6 has had at any time a prior injunction for protection entered
7 against the respondent after a hearing with notice.

8
9 It is mandatory that such programs be certified under s.
10 741.32.

11 ~~(f)(e)~~ The fact that a separate order of protection is
12 granted to each opposing party shall not be legally sufficient
13 to deny any remedy to either party or to prove that the
14 parties are equally at fault or equally endangered.

15 ~~(g)(f)~~ A final judgment on injunction for protection
16 against domestic violence entered pursuant to this section
17 must, on its face, indicate that it is a violation of s.
18 790.233, and a first degree misdemeanor, for the respondent to
19 have in his or her care, custody, possession, or control any
20 firearm or ammunition.

21 (h) All proceedings under this subsection must be
22 recorded, if the means of doing so are available among
23 existing court resources. Recording may be by electronic
24 means, as provided by the Florida Rules of Judicial
25 Administration. If the means to record the proceedings are not
26 available, the parties must be notified, prior to the full
27 hearing, that if they desire to have a record of the
28 proceedings, they are responsible for the recording of such.

29 Section 9. Subsection (2) of section 943.171, Florida
30 Statutes, is amended to read:

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1 943.171 Basic skills training in handling domestic
2 violence cases.--

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

4 (a) "Domestic violence" means any assault, aggravated
5 assault, battery, aggravated battery, sexual assault, sexual
6 battery, stalking, aggravated stalking, kidnapping, false
7 imprisonment, or any criminal offense resulting in the
8 physical injury or death of one family or household member by
9 another ~~who is or was residing in the same single dwelling~~
10 ~~unit.~~

11 (b) "Family or household member" means:

12 1. Spouse.

13 2. Former spouse.

14 3. Persons related by blood or marriage who are or
15 were residing in the same single dwelling unit.

16 4. Persons who are presently residing together, as if
17 a family, ~~or~~

18 5. Persons who have resided together in the past, as
19 if a family, ~~and~~

20 6. Persons who have a child in common regardless of
21 whether they have been married or have resided together at any
22 time.

23 Section 10. The Office of the State Courts
24 Administrator shall examine the current practice of the courts
25 with respect to the determination of visitation and custody
26 and the terms of visitation and custody when an injunction for
27 protection has been ordered, the consideration of custody and
28 visitation in the injunction hearings, and the issuing of
29 injunctions for protection during a dissolution-of-marriage
30 proceeding. Based on the findings of this examination, the
31 Office of the State Courts Administrator shall develop

1 recommendations for ensuring the most appropriate
2 consideration of custody and visitation issues during the
3 injunction process and of injunction for protection issues
4 during the dissolution-of-marriage process. This examination
5 and development of recommendations must be conducted in
6 collaboration with the Department of Children and Family
7 Services, the Governor's Task Force on Domestic Violence, the
8 Department of Revenue, the Florida Sheriffs Association, the
9 Florida Coalition Against Domestic Violence, the Family Law
10 Section of The Florida Bar, and any other interested
11 organizations identified by the Office of the State Courts
12 Administrator. All participants in this process shall attend
13 meetings at their own expense. A report of the recommendations
14 shall be submitted to the Governor, the President of the
15 Senate, and the Speaker of the House of Representatives by
16 January 1, 2001.

17 Section 11. The Legislature declares that protection
18 against domestic violence is of utmost importance. Further,
19 the Legislature finds that lack of service of process during
20 the ex parte temporary injunction process can leave the victim
21 unprotected unless the injunction remains in effect. The
22 Legislature therefore requests the Supreme Court to examine
23 its current practice and rules of court with respect to ex
24 parte temporary injunctions for protection against domestic
25 violence and the conditions under which continued protection
26 is necessary, and to consider revising and adopting rules to
27 effectuate the legislative expression of this act.

28 Section 12. This act shall take effect July 1, 2000.
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HOUSE SUMMARY

Revises provisions relating to domestic violence. Redefines the terms "domestic violence," "family or household member," "domestic violence center," and "domestic violence advocate." Provides for additional circumstances when a family violence indicator must be placed on a record. Specifies the persons to whom confidential communication provisions apply. Provides for confidentiality of certain communications only if the domestic violence advocate is registered with the Department of Children and Family Services. Revises the definition of "legally authorized person" for purposes of domestic violence cases. Prohibits certain family or household members from qualifying as legally authorized persons in cases involving domestic violence. Specifies when a person has standing to file a petition for an injunction against domestic violence. Provides for incidents that describe violence or threats of violence. Provides legislative intent with regard to victim protection. Authorizes the court to grant extensions of temporary injunctions. Specifies when a court may grant relief. Provides factors for the court to consider in determining imminent danger. Requires a batterers' intervention program to provide notification of discharge. Provides that respondents must complete a batterers' intervention program if ordered. Provides circumstances under which the court may not grant a request to modify or dissolve an injunction. Requires recording of proceedings. Directs the Office of the State Courts Administrator to examine and develop recommendations concerning certain court practices. Requires a report to the Governor and Legislature.