

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           28.241, F.S.; deleting reference to limitations  
7           on filing fees for domestic violence  
8           injunctions to conform to the act; amending s.  
9           39.903, F.S.; providing duty of the Department  
10          of Children and Family Services to operate the  
11          domestic violence program; amending ss.  
12          390.01115, 470.002, 626.9541, 641.3903,  
13          985.213, and 985.215, F.S.; correcting cross  
14          references; amending s. 741.281, F.S.; deleting  
15          requirement that a court order certain  
16          defendants to attend a batterers' intervention  
17          program; amending s. 741.2902, F.S.; deleting  
18          provisions relating to filing fees and costs to  
19          conform to the act; amending s. 741.30, F.S.;  
20          eliminating the filing fee and revising  
21          provisions for reimbursement of costs for  
22          issuance of such injunctions; specifying when a  
23          person has standing to file a petition for an  
24          injunction against domestic violence;  
25          specifying where the petition may be filed;  
26          providing for incidents that describe violence  
27          or threats of violence; specifying when a court  
28          may grant relief; providing factors for the  
29          court to consider in determining imminent  
30          danger; providing for recording of proceedings;  
31          providing for the presence of an advocate from

1 a state attorney's office, law enforcement  
2 agency, or domestic violence center at  
3 injunction proceedings, upon request; amending  
4 s. 741.31, F.S.; specifying additional acts  
5 that violate an injunction against domestic  
6 violence; providing a penalty; amending s.  
7 938.01, F.S.; revising provisions relating to  
8 distribution of additional court costs assessed  
9 in specified circumstances; repealing s. 4(2)  
10 of ch. 2001-184, Laws of Florida, and s. 7(2)  
11 of ch. 2001-232, Laws of Florida, relating to  
12 the transfer of certain funds for  
13 administration of the Prevention of Domestic  
14 and Sexual Violence Program; repealing s.  
15 741.466, F.S., relating to transfer of the  
16 Prevention of Domestic and Sexual Violence  
17 Program from the Department of Community  
18 Affairs to the Department of Children and  
19 Family Services; amending s. 784.046, F.S.;  
20 providing for actions by victims of dating  
21 violence; providing a definition; providing a  
22 cause of action for an injunction for  
23 protection in cases of dating violence;  
24 providing a procedure for filing a petition;  
25 providing for a hearing and temporary or final  
26 judgment; redesignating the Domestic and Repeat  
27 Violence Injunction Statewide Verification  
28 System as the Domestic, Dating, and Repeat  
29 Violence Injunction Statewide Verification  
30 System; providing for notice to the sheriff;  
31 amending ss. 784.047 and 784.048, F.S.;

1 providing penalties for violating an injunction  
2 for protection against dating violence;  
3 providing a violation of such injunction  
4 constitutes the offense of aggravated stalking;  
5 providing a penalty; providing effective dates.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

9 Section 1. Subsection (2) of section 25.385, Florida  
10 Statutes, is amended to read:

11 25.385 Standards for instruction of circuit and county  
12 court judges in handling domestic violence cases.--

13 (2) As used in this section:

14 (a) The term "domestic violence" has the meaning set  
15 forth in s. 741.28 ~~means any assault, battery, sexual assault,~~  
16 ~~sexual battery, 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 (b) "Family or household member" has the meaning set  
20 forth in s. 741.28 ~~means spouse, former spouse, persons~~  
21 ~~related by blood or marriage, persons who are presently~~  
22 ~~residing together, as if a family, or who have resided~~  
23 ~~together in the past, as if a family, and persons who have a~~  
24 ~~child in common regardless of whether they have been married~~  
25 ~~or have resided together at any time.~~

26 Section 2. Subsection (5) of section 28.241, Florida  
27 Statutes, is amended to read:

28 28.241 Filing charges for trial and appellate  
29 proceedings.--

30 (5) The fees prescribed in this section do not include  
31 the service charges required by law for the clerk as provided

1 in s. 28.24 or by other sections of the Florida Statutes.  
2 Service charges authorized by this section may not be added to  
3 any civil penalty imposed by chapter 316 or chapter 318. ~~Fees~~  
4 ~~for injunctions concerning domestic violence shall be limited~~  
5 ~~as provided in s. 741.30(2)(a).~~

6 Section 3. Subsections (1) and (3) of section 39.902,  
7 Florida Statutes, are amended to read:

8 39.902 Definitions.--As used in this part, the term:

9 (1) "Domestic violence" has the meaning set forth in  
10 s. 741.28 ~~means any assault, battery, sexual assault, sexual~~  
11 ~~battery, or any criminal offense resulting in physical injury~~  
12 ~~or death of one family or household member by another who is~~  
13 ~~or was residing in the same single dwelling unit.~~

14 (3) "Family or household member" has the meaning set  
15 forth in s. 741.28 ~~means spouses, former spouses, adults~~  
16 ~~related by blood or marriage, persons who are presently~~  
17 ~~residing together as if a family or who have resided together~~  
18 ~~in the past as if a family, and persons who have a child in~~  
19 ~~common regardless of whether they have been married or have~~  
20 ~~resided together at any time.~~

21 Section 4. Subsections (3), (4), (5), and (6) of  
22 section 39.903, Florida Statutes, are renumbered as  
23 subsections (4), (5), (6), and (7), respectively, and a new  
24 subsection (3) is added to said section, to read:

25 39.903 Duties and functions of the department with  
26 respect to domestic violence.--

27 (3) The department shall operate the domestic violence  
28 program, which provides supervision, direction, coordination,  
29 and administration of statewide activities related to the  
30 prevention of domestic violence.

31

1           Section 5. Paragraphs (b) and (e) of subsection (2) of  
2 section 390.01115, Florida Statutes, are amended to read:

3           390.01115 Parental Notice of Abortion Act.--

4           (2) DEFINITIONS.--As used in this section, the term:

5           (b) "Child abuse" has the meaning ascribed in s.  
6 39.0015(3) and refers to the acts of child abuse against a  
7 minor by a family member as defined in s. 741.28~~(2)~~.

8           (e) "Sexual abuse" has the meaning ascribed in s.  
9 39.01 and refers to the acts of sexual abuse against a minor  
10 by a family member as defined in s. 741.28~~(2)~~.

11           Section 6. Subsection (18) of section 470.002, Florida  
12 Statutes, is amended to read:

13           470.002 Definitions.--As used in this chapter:

14           (18) "Legally authorized person" means, in the  
15 priority listed, the decedent, when written inter vivos  
16 authorizations and directions are provided by the decedent,  
17 the surviving spouse, unless the spouse has been arrested for  
18 committing against the deceased an act of domestic violence as  
19 defined in s. 741.28~~(1)~~, a son or daughter who is 18 years of  
20 age or older, a parent, a brother or sister 18 years of age or  
21 over, a grandchild who is 18 years of age or older, or a  
22 grandparent; or any person in the next degree of kinship. In  
23 addition, the term may include, if no family exists or is  
24 available, the following: the guardian of the dead person at  
25 the time of death; the personal representative of the  
26 deceased; the attorney in fact of the dead person at the time  
27 of death; the health surrogate of the dead person at the time  
28 of death; a public health officer; the medical examiner,  
29 county commission or administrator acting under chapter 245,  
30 or other public administrator; a representative of a nursing  
31 home or other health care institution in charge of final

1 disposition; or a friend or other person not listed in this  
2 subsection who is willing to assume the responsibility as  
3 authorized person.

4 Section 7. Paragraph (g) of subsection (1) of section  
5 626.9541, Florida Statutes, is amended to read:

6 626.9541 Unfair methods of competition and unfair or  
7 deceptive acts or practices defined.--

8 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR  
9 DECEPTIVE ACTS.--The following are defined as unfair methods  
10 of competition and unfair or deceptive acts or practices:

11 (g) Unfair discrimination.--

12 1. Knowingly making or permitting any unfair  
13 discrimination between individuals of the same actuarially  
14 supportable class and equal expectation of life, in the rates  
15 charged for any life insurance or annuity contract, in the  
16 dividends or other benefits payable thereon, or in any other  
17 of the terms and conditions of such contract.

18 2. Knowingly making or permitting any unfair  
19 discrimination between individuals of the same actuarially  
20 supportable class and essentially the same hazard, in the  
21 amount of premium, policy fees, or rates charged for any  
22 policy or contract of accident, disability, or health  
23 insurance, in the benefits payable thereunder, in any of the  
24 terms or conditions of such contract, or in any other manner  
25 whatever.

26 3. For a health insurer, life insurer, disability  
27 insurer, property and casualty insurer, automobile insurer, or  
28 managed care provider to underwrite a policy, or refuse to  
29 issue, reissue, or renew a policy, refuse to pay a claim,  
30 cancel or otherwise terminate a policy, or increase rates  
31 based upon the fact that an insured or applicant who is also

1 the proposed insured has made a claim or sought or should have  
2 sought medical or psychological treatment in the past for  
3 abuse, protection from abuse, or shelter from abuse, or that a  
4 claim was caused in the past by, or might occur as a result  
5 of, any future assault, battery, or sexual assault by a family  
6 or household member upon another family or household member as  
7 defined in s. 741.28(2). A health insurer, life insurer,  
8 disability insurer, or managed care provider may refuse to  
9 underwrite, issue, or renew a policy based on the applicant's  
10 medical condition, but shall not consider whether such  
11 condition was caused by an act of abuse. For purposes of this  
12 section, the term "abuse" means the occurrence of one or more  
13 of the following acts:

- 14 a. Attempting or committing assault, battery, sexual  
15 assault, or sexual battery;
- 16 b. Placing another in fear of imminent serious bodily  
17 injury by physical menace;
- 18 c. False imprisonment;
- 19 d. Physically or sexually abusing a minor child; or
- 20 e. An act of domestic violence as defined in s.  
21 741.28.

22  
23 This subparagraph does not prohibit a property and casualty  
24 insurer or an automobile insurer from excluding coverage for  
25 intentional acts by the insured if such exclusion does not  
26 constitute an act of unfair discrimination as defined in this  
27 paragraph.

28 Section 8. Paragraph (b) of subsection (12) of section  
29 641.3903, Florida Statutes, is amended to read:

30 641.3903 Unfair methods of competition and unfair or  
31 deceptive acts or practices defined.--The following are

1 defined as unfair methods of competition and unfair or  
2 deceptive acts or practices:

3 (12) PROHIBITED DISCRIMINATORY PRACTICES.--A health  
4 maintenance organization may not:

5 (b) Refuse to provide services or care to a subscriber  
6 solely because medical services may be or have been sought for  
7 injuries resulting from an assault, battery, sexual assault,  
8 sexual battery, or any other offense by a family or household  
9 member, as defined in s. 741.28~~(2)~~, or by another who is or  
10 was residing in the same dwelling unit.

11 Section 9. Section 741.28, Florida Statutes, is  
12 amended to read:

13 741.28 Domestic violence; definitions.--As used in ss.  
14 741.28-741.31:

15 (1)~~(3)~~ "Department" means the Florida Department of  
16 Law Enforcement.

17 (2)~~(1)~~ "Domestic violence" means any assault,  
18 aggravated assault, battery, aggravated battery, sexual  
19 assault, sexual battery, stalking, aggravated stalking,  
20 kidnapping, false imprisonment, or any criminal offense  
21 resulting in physical injury or death of one family or  
22 household member by another family or household member ~~who is~~  
23 ~~or was residing in the same single dwelling unit.~~

24 (3)~~(2)~~ "Family or household member" means spouses,  
25 former spouses, persons related by blood or marriage, persons  
26 who are presently residing together as if a family or who have  
27 resided together in the past as if a family, and persons who  
28 are parents of ~~have~~ a child in common regardless of whether  
29 they have been married ~~or have resided together at any time.~~  
30 With the exception of persons who have a child in common, the

31



1 family or household members must be currently residing or have  
2 in the past resided together in the same single dwelling unit.

3 (4) "Law enforcement officer" means any person who is  
4 elected, appointed, or employed by any municipality or the  
5 state or any political subdivision thereof who meets the  
6 minimum qualifications established in s. 943.13 and is  
7 certified as a law enforcement officer under s. 943.1395.

8 Section 10. Section 741.281, Florida Statutes, is  
9 amended to read:

10 741.281 Court to order batterers' intervention program  
11 attendance.--If a person is found guilty of, has had  
12 adjudication withheld on, or has pled nolo contendere to a  
13 crime of domestic violence, as defined in s. 741.28, that  
14 person shall be ordered by the court to a minimum term of 1  
15 year's probation and the court shall order that the defendant  
16 attend a batterers' intervention program as a condition of  
17 probation. ~~If a person is admitted to a pretrial diversion~~  
18 ~~program and has been charged with an act of domestic violence,~~  
19 ~~as defined in s. 741.28, the court shall order as a condition~~  
20 ~~of the program that the defendant attend a batterers'~~  
21 ~~intervention program.~~The court must impose the condition of  
22 the batterers' intervention program for a defendant admitted  
23 to pretrial diversion under this section, but the court, in  
24 its discretion, may determine not to impose the condition if  
25 it states on the record why a batterers' intervention program  
26 might be inappropriate. The court must impose the condition  
27 of the batterers' intervention program for a defendant placed  
28 on probation unless the court determines that the person does  
29 not qualify for the batterers' intervention program pursuant  
30 to s. 741.325. Effective July 1, 2002, the batterers'  
31 intervention program must be a certified program under s.

1 741.32. The imposition of probation under this section shall  
2 not preclude the court from imposing any sentence of  
3 imprisonment authorized by s. 775.082.

4 Section 11. Paragraph (f) of subsection (2) of section  
5 741.2902, Florida Statutes, is amended to read:

6 741.2902 Domestic violence; legislative intent with  
7 respect to judiciary's role.--

8 (2) It is the intent of the Legislature, with respect  
9 to injunctions for protection against domestic violence,  
10 issued pursuant to s. 741.30, that the court shall:

11 ~~(f) Consider requiring the respondent to pay, to the~~  
12 ~~clerk of the court and sheriff, filing fees and costs waived~~  
13 ~~pursuant to s. 741.30(2)(a), or to reimburse the petitioner~~  
14 ~~for filing fees and costs paid by the petitioner.~~

15 Section 12. Effective October 1, 2002, paragraph (a)  
16 of subsection (2) of section 741.30, Florida Statutes, is  
17 amended to read:

18 741.30 Domestic violence; injunction; powers and  
19 duties of court and clerk; petition; notice and hearing;  
20 temporary injunction; issuance of injunction; statewide  
21 verification system; enforcement.--

22 (2)(a) Notwithstanding any other provision of law, the  
23 assessment of a filing fee for a petition for protection  
24 against domestic violence is prohibited effective October 1,  
25 2002. However, subject to legislative appropriation, the clerk  
26 of the circuit court may, on a quarterly basis, submit to the  
27 Office of the State Courts Administrator a certified request  
28 for reimbursement for petitions for protection against  
29 domestic violence issued by the court, at the rate of \$40 per  
30 petition. The request for reimbursement shall be submitted in  
31 the form and manner prescribed by the Office of the State

1 Courts Administrator. From this reimbursement, the clerk  
2 shall pay any law enforcement agency serving the injunction  
3 the fee requested by the law enforcement agency; however, this  
4 fee shall not exceed \$20.~~Notwithstanding any other provision~~  
5 ~~of law, the total charge, including any administration fees,~~  
6 ~~law enforcement agency charges, and court costs or service~~  
7 ~~charges, for any court to issue an injunction concerning~~  
8 ~~domestic violence under chapter 741 or chapter 784 shall not~~  
9 ~~exceed \$50. The total charge by any law enforcement agency to~~  
10 ~~serve an injunction or restraining order concerning violence~~  
11 ~~shall not exceed \$20. The remaining \$30 fee collected for an~~  
12 ~~injunction under chapter 741 shall only be applied to the~~  
13 ~~initial \$40 service charge collected by the clerk of the court~~  
14 ~~as provided in s. 28.241(1). In the event the victim does not~~  
15 ~~have sufficient funds with which to pay filing fees to the~~  
16 ~~clerk of the court or service fees to the sheriff or law~~  
17 ~~enforcement agency and signs an affidavit stating so, the fees~~  
18 ~~shall be waived by the clerk of the court or the sheriff or~~  
19 ~~law enforcement agency to the extent necessary to process the~~  
20 ~~petition and serve the injunction, subject to a subsequent~~  
21 ~~order of the court relative to the payment of such fees.~~

22 Section 13. Subsections (1), (3), and (6) of section  
23 741.30, Florida Statutes, are amended, subsections (7), (8),  
24 and (9) are renumbered as subsections (8), (9), and (10),  
25 respectively, and a new subsection (7) is added to said  
26 section, to read:

27 741.30 Domestic violence; injunction; powers and  
28 duties of court and clerk; petition; notice and hearing;  
29 temporary injunction; issuance of injunction; statewide  
30 verification system; enforcement.--

31

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

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

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

14 (c) In the event a subsequent cause of action is filed  
15 under chapter 61, any orders entered therein shall take  
16 precedence over any inconsistent provisions of an injunction  
17 issued under this section which addresses matters governed by  
18 chapter 61.

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

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

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

28 (g) Any person, including an officer of the court, who  
29 offers evidence or recommendations relating to the cause of  
30 action must either present the evidence or recommendations in  
31 writing to the court with copies to each party and their

1 attorney, or must present the evidence under oath at a hearing  
2 at which all parties are present.

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

5 (i) The court is prohibited from issuing mutual orders  
6 of protection. This does not preclude the court from issuing  
7 separate injunctions for protection against domestic violence  
8 where each party has complied with the provisions of this  
9 section. Compliance with the provisions of this section cannot  
10 be waived.

11 (j) Notwithstanding any provision of chapter 47, a  
12 petition for an injunction for protection against domestic  
13 violence may be filed in the circuit where the petitioner  
14 currently or temporarily resides, where the respondent  
15 resides, or where the domestic violence occurred. There is no  
16 minimum requirement of residency to petition for an injunction  
17 for protection.

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

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

23

24

PETITION FOR

25

INJUNCTION FOR PROTECTION

26

AGAINST DOMESTIC VIOLENCE

27

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

31

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

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

14 ....committed or threatened to commit domestic violence  
 15 defined in s. 741.28, Florida Statutes, as any assault,  
 16 aggravated assault, battery, aggravated battery, sexual  
 17 assault, sexual battery, stalking, aggravated stalking,  
 18 kidnapping, false imprisonment, or any criminal offense  
 19 resulting in physical injury or death of one family or  
 20 household member by another. With the exception of persons who  
 21 are parents of a child in common, the family or household  
 22 members must be currently residing or have in the past resided  
 23 together in the same single dwelling unit.

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

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

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

30 ....intentionally injured or killed a family pet.  
 31

- 1        ....used, or has threatened to use, against the
- 2 petitioner any weapons such as guns or knives.
- 3        ....physically restrained the petitioner from leaving
- 4 the home or calling law enforcement.
- 5        ....a criminal history involving violence or the threat
- 6 of violence (if known).
- 7        ....another order of protection issued against him or
- 8 her previously or from another jurisdiction (if known).
- 9        ....destroyed personal property, including, but not
- 10 limited to, telephones or other communication equipment,
- 11 clothing, or other items belonging to the petitioner.
- 12        ....engaged in any other behavior or conduct that leads
- 13 the petitioner to have reasonable cause to believe he or she
- 14 is in imminent danger of becoming a victim of domestic
- 15 violence.

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

18           ....Petitioner is the custodian of a minor child or  
 19 children whose names and ages are as follows: .....

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

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

24           ....Petitioner genuinely fears that respondent  
 25 imminently will abuse, remove, or hide the minor child or  
 26 children from petitioner because: .....  
 27 .....

28           (j) Petitioner genuinely fears imminent domestic  
 29 violence by respondent.

30           (k) Petitioner seeks an injunction: (mark appropriate  
 31 section or sections)



1           ....Immediately restraining the respondent from  
2 committing any acts of domestic violence.

3           ....Restraining the respondent from committing any acts  
4 of domestic violence.

5           ....Awarding to the petitioner the temporary exclusive  
6 use and possession of the dwelling that the parties share or  
7 excluding the respondent from the residence of the petitioner.

8           ....Awarding temporary custody of, or temporary  
9 visitation rights with regard to, the minor child or children  
10 of the parties, or prohibiting or limiting visitation to that  
11 which is supervised by a third party.

12           ....Establishing temporary support for the minor child  
13 or children or the petitioner.

14           ....Directing the respondent to participate in a  
15 batterers' intervention program or other treatment pursuant to  
16 s. 39.901, Florida Statutes.

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

21           (c) Every petition for an injunction against domestic  
22 violence shall contain, directly above the signature line, a  
23 statement in all capital letters and bold type not smaller  
24 than the surrounding text, as follows:

25  
26           I HAVE READ EVERY STATEMENT MADE IN THIS  
27           PETITION AND EACH STATEMENT IS TRUE AND  
28           CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE  
29           IN THIS PETITION ARE BEING MADE UNDER PENALTY  
30           OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION  
31           837.02, FLORIDA STATUTES.

1 ... (initials) ...

2

3 (d) If the sworn petition seeks to determine issues of  
4 custody or visitation with regard to the minor child or  
5 children of the parties, the sworn petition shall be  
6 accompanied by or shall incorporate the allegations required  
7 by s. 61.132 of the Uniform Child Custody Jurisdiction Act.

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

14 1. Restraining the respondent from committing any acts  
15 of domestic violence.

16 2. Awarding to the petitioner the exclusive use and  
17 possession of the dwelling that the parties share or excluding  
18 the respondent from the residence of the petitioner.

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

22 4. On the same basis as provided in chapter 61,  
23 establishing temporary support for a minor child or children  
24 or the petitioner.

25 5. Ordering the respondent to participate in  
26 treatment, intervention, or counseling services to be paid for  
27 by the respondent. When the court orders the respondent to  
28 participate in a batterers' intervention program, the court,  
29 or any entity designated by the court, must provide the  
30 respondent with a list of all certified batterers'  
31 intervention programs and all programs which have submitted an

1 application to the Department of Corrections to become  
2 certified under s. 741.325, from which the respondent must  
3 choose a program in which to participate. If there are no  
4 certified batterers' intervention programs in the circuit, the  
5 court shall provide a list of acceptable programs from which  
6 the respondent must choose a program in which to participate.

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

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

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

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

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

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

28             4. Whether the respondent has intentionally injured or  
29 killed a family pet.

30

31

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

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

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

9           8. The existence of a verifiable order of protection  
10 issued previously or from another jurisdiction.

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

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

19  
20 In making its determination under this paragraph, the court is  
21 not limited to those factors enumerated in subparagraphs  
22 1.-10.

23           ~~(c)(b)~~ The terms of an injunction restraining the  
24 respondent under subparagraph (a)1. or ordering other relief  
25 for the protection of the victim under subparagraph (a)7.  
26 shall remain in effect until modified or dissolved. Either  
27 party may move at any time to modify or dissolve the  
28 injunction. No specific allegations are required. Such relief  
29 may be granted in addition to other civil or criminal  
30 remedies.

31

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

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

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

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

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

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

25           1. It finds that the respondent willfully violated the  
26 ex parte injunction;

27           2. The respondent, in this state or any other state,  
28 has been convicted of, had adjudication withheld on, or pled  
29 nolo contendere to a crime involving violence or a threat of  
30 violence; or  
31

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

4  
5 It is mandatory that such programs be certified under s.  
6 741.32.

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

11           (g)(f) A final judgment on injunction for protection  
12 against domestic violence entered pursuant to this section  
13 must, on its face, indicate that it is a violation of s.  
14 790.233, and a first degree misdemeanor, for the respondent to  
15 have in his or her care, custody, possession, or control any  
16 firearm or ammunition.

17           (h) All proceedings under this subsection shall be  
18 recorded. Recording may be by electronic means as provided by  
19 the Rules of Judicial Administration.

20           (7) The court shall allow an advocate from a state  
21 attorney's office, an advocate from a law enforcement agency,  
22 or an advocate from a certified domestic violence center who  
23 is registered under s. 39.905 to be present with the  
24 petitioner or respondent during any court proceedings or  
25 hearings related to the injunction for protection, provided  
26 the petitioner or respondent has made such a request and the  
27 advocate is able to be present.

28           Section 14. Paragraph (a) of subsection (4) of section  
29 741.31, Florida Statutes, is amended to read:

30           741.31 Violation of an injunction for protection  
31 against domestic violence.--

1 (4)(a) A person who willfully violates an injunction  
2 for protection against domestic violence issued pursuant to s.  
3 741.30, or a foreign protection order accorded full faith and  
4 credit pursuant to s. 741.315, by:

5 1. Refusing to vacate the dwelling that the parties  
6 share;

7 2. Going to, or being within 500 feet of, the  
8 petitioner's residence, school, place of employment, or a  
9 specified place frequented regularly by the petitioner and any  
10 named family or household member;

11 3. Committing an act of domestic violence against the  
12 petitioner;

13 4. Committing any other violation of the injunction  
14 through an intentional unlawful threat, word, or act to do  
15 violence to the petitioner; ~~or~~

16 5. Telephoning, contacting, or otherwise communicating  
17 with the petitioner directly or indirectly, unless the  
18 injunction specifically allows indirect contact through a  
19 third party;

20 6. Knowingly and intentionally coming within 100 feet  
21 of the petitioner's motor vehicle, whether or not that vehicle  
22 is occupied;

23 7. Defacing or destroying the petitioner's personal  
24 property, including the petitioner's motor vehicle; or

25 8. Refusing to surrender firearms or ammunition if  
26 ordered to do so by the court

27  
28 commits a misdemeanor of the first degree, punishable as  
29 provided in s. 775.082 or s. 775.083.

30 Section 15. Subsection (2) of section 943.171, Florida  
31 Statutes, is amended to read:

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" has the meaning set forth in  
5 s. 741.28 ~~means any assault, battery, sexual assault, sexual~~  
6 ~~battery, or any criminal offense resulting in the physical~~  
7 ~~injury or death of one family or household member by another~~  
8 ~~who is or was residing in the same single dwelling unit.~~

9           (b) "Household member" has the meaning set forth in s.  
10 741.28(4) ~~means spouse, former spouse, persons related by~~  
11 ~~blood or marriage, persons who are presently residing~~  
12 ~~together, as if a family, or who have resided together in the~~  
13 ~~past, as if a family, and persons who have a child in common~~  
14 ~~regardless of whether they have been married or have resided~~  
15 ~~together at any time.~~

16           Section 16. Paragraph (b) of subsection (2) of section  
17 985.213, Florida Statutes, is amended to read:

18           985.213 Use of detention.--

19           (2)

20           (b)1. The risk assessment instrument for detention  
21 care placement determinations and orders shall be developed by  
22 the Department of Juvenile Justice in agreement with  
23 representatives appointed by the following associations: the  
24 Conference of Circuit Judges of Florida, the Prosecuting  
25 Attorneys Association, the Public Defenders Association, the  
26 Florida Sheriffs Association, and the Florida Association of  
27 Chiefs of Police. Each association shall appoint two  
28 individuals, one representing an urban area and one  
29 representing a rural area. The parties involved shall  
30 evaluate and revise the risk assessment instrument as is  
31 considered necessary using the method for revision as agreed



1 by the parties. The risk assessment instrument shall take into  
2 consideration, but need not be limited to, prior history of  
3 failure to appear, prior offenses, offenses committed pending  
4 adjudication, any unlawful possession of a firearm, theft of a  
5 motor vehicle or possession of a stolen motor vehicle, and  
6 probation status at the time the child is taken into custody.  
7 The risk assessment instrument shall also take into  
8 consideration appropriate aggravating and mitigating  
9 circumstances, and shall be designed to target a narrower  
10 population of children than s. 985.215(2). The risk assessment  
11 instrument shall also include any information concerning the  
12 child's history of abuse and neglect. The risk assessment  
13 shall indicate whether detention care is warranted, and, if  
14 detention care is warranted, whether the child should be  
15 placed into secure, nonsecure, or home detention care.

16 2. If, at the detention hearing, the court finds a  
17 material error in the scoring of the risk assessment  
18 instrument, the court may amend the score to reflect factual  
19 accuracy.

20 3. A child who is charged with committing an offense  
21 of domestic violence as defined in s. 741.28~~(1)~~ and who does  
22 not meet detention criteria may be held in secure detention if  
23 the court makes specific written findings that:

24 a. Respite care for the child is not available; and

25 b. It is necessary to place the child in secure  
26 detention in order to protect the victim from injury.

27  
28 The child may not be held in secure detention under this  
29 subparagraph for more than 48 hours unless ordered by the  
30 court. After 48 hours, the court shall hold a hearing if the  
31 state attorney or victim requests that secure detention be

1 continued. The child may continue to be held in detention care  
2 if the court makes a specific, written finding that detention  
3 care is necessary to protect the victim from injury. However,  
4 the child may not be held in detention care beyond the time  
5 limits set forth in s. 985.215.

6 4. For a child who is under the supervision of the  
7 department through probation, home detention, nonsecure  
8 detention, conditional release, postcommitment probation, or  
9 commitment and who is charged with committing a new offense,  
10 the risk assessment instrument may be completed and scored  
11 based on the underlying charge for which the child was placed  
12 under the supervision of the department and the new offense.

13 Section 17. Paragraph (d) of subsection (2) of section  
14 985.215, Florida Statutes, is amended to read:

15 985.215 Detention.--

16 (2) Subject to the provisions of subsection (1), a  
17 child taken into custody and placed into nonsecure or home  
18 detention care or detained in secure detention care prior to a  
19 detention hearing may continue to be detained by the court if:

20 (d) The child is charged with committing an offense of  
21 domestic violence as defined in s. 741.28~~(1)~~ and is detained  
22 as provided in s. 985.213(2)(b)3.

23

24 A child who meets any of these criteria and who is ordered to  
25 be detained pursuant to this subsection shall be given a  
26 hearing within 24 hours after being taken into custody. The  
27 purpose of the detention hearing is to determine the existence  
28 of probable cause that the child has committed the delinquent  
29 act or violation of law with which he or she is charged and  
30 the need for continued detention. Unless a child is detained  
31 under paragraph (d) or paragraph (e), the court shall utilize

1 the results of the risk assessment performed by the juvenile  
2 probation officer and, based on the criteria in this  
3 subsection, shall determine the need for continued detention.  
4 A child placed into secure, nonsecure, or home detention care  
5 may continue to be so detained by the court pursuant to this  
6 subsection. If the court orders a placement more restrictive  
7 than indicated by the results of the risk assessment  
8 instrument, the court shall state, in writing, clear and  
9 convincing reasons for such placement. Except as provided in  
10 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
11 paragraph (10)(c), or paragraph (10)(d), when a child is  
12 placed into secure or nonsecure detention care, or into a  
13 respite home or other placement pursuant to a court order  
14 following a hearing, the court order must include specific  
15 instructions that direct the release of the child from such  
16 placement no later than 5 p.m. on the last day of the  
17 detention period specified in paragraph (5)(b) or paragraph  
18 (5)(c), or subparagraph (10)(a)1., whichever is applicable,  
19 unless the requirements of such applicable provision have been  
20 met or an order of continuance has been granted pursuant to  
21 paragraph (5)(f).

22 Section 18. Effective July 1, 2002, subsection (1) of  
23 section 938.01, Florida Statutes, as amended by section 29 of  
24 chapter 2001-254, Laws of Florida, section 19 of chapter  
25 2001-122, Laws of Florida, section 1 of chapter 2001-184, Laws  
26 of Florida, section 3 of chapter 2001-232, Laws of Florida,  
27 and section 30 of chapter 2001-254, Laws of Florida, is  
28 amended to read:

29 938.01 Additional Court Cost Clearing Trust Fund.--  
30 (Substantial rewording of subsection. See  
31 s. 938.01(1), F.S., for present text.)

1           (1) All courts created by Art. V of the State  
2 Constitution shall, in addition to any fine or other penalty,  
3 assess \$3 as a court cost against every person convicted for  
4 violation of a state penal or criminal statute or convicted  
5 for violation of a municipal or county ordinance. Any person  
6 whose adjudication is withheld pursuant to the provisions of  
7 s. 318.14(9) or (10) shall also be assessed such cost. In  
8 addition, \$3 from every bond estreature or forfeited bail bond  
9 related to such penal statutes or penal ordinances shall be  
10 remitted to the Department of Revenue as described in this  
11 subsection. However, no such assessment may be made against  
12 any person convicted for violation of any state statute,  
13 municipal ordinance, or county ordinance relating to the  
14 parking of vehicles.

15           (a) All costs collected by the courts pursuant to this  
16 subsection shall be remitted to the Department of Revenue in  
17 accordance with administrative rules adopted by the executive  
18 director of the Department of Revenue for deposit in the  
19 Additional Court Cost Clearing Trust Fund. These funds and the  
20 funds deposited in the Additional Court Cost Clearing Trust  
21 Fund pursuant to s. 318.21(2)(c) shall be distributed as  
22 follows:

23           1. Ninety-two percent to the Department of Law  
24 Enforcement Criminal Justice Standards and Training Trust  
25 Fund.

26           2. Six and three-tenths percent to the Department of  
27 Law Enforcement Operating Trust Fund for the Criminal Justice  
28 Grant Program.

29           3. One and seven-tenths percent to the Department of  
30 Children and Family Services Domestic Violence Trust Fund for  
31 the domestic violence program pursuant to s. 39.903(3).

1           (b) The funds deposited in the Department of Law  
2 Enforcement Criminal Justice Standards and Training Trust  
3 Fund, the Department of Law Enforcement Operating Trust Fund,  
4 and the Department of Children and Family Services Domestic  
5 Violence Trust Fund may be invested. Any interest earned from  
6 investing such funds and any unencumbered funds remaining at  
7 the end of the budget cycle shall remain in the respective  
8 trust fund.

9           (c) All funds in the Department of Law Enforcement  
10 Criminal Justice Standards and Training Trust Fund shall be  
11 disbursed only in compliance with s. 943.25(9).

12           Section 19. Subsection (2) of section 4 of chapter  
13 2001-184, Laws of Florida, and subsection (2) of section 7 of  
14 chapter 2001-232, Laws of Florida, are repealed.

15           Section 20. Section 741.466, Florida Statutes, is  
16 repealed.

17           Section 21. Effective January 1, 2003, section  
18 784.046, Florida Statutes, is amended to read:

19           784.046 Action by victim of repeat violence or dating  
20 violence for protective injunction; powers and duties of court  
21 and clerk of court; filing and form of petition; notice and  
22 hearing; temporary injunction; issuance; statewide  
23 verification system; enforcement.--

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

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

30           (b) "Repeat violence" means two incidents of violence  
31 or stalking committed by the respondent, one of which must

1 have been within 6 months of the filing of the petition, which  
2 are directed against the petitioner or the petitioner's  
3 immediate family member.

4 (c) "Dating violence" means violence between  
5 individuals who have or have had a continuing and significant  
6 relationship of a romantic or intimate nature. The existence  
7 of such a relationship shall be determined based on the  
8 consideration of the following factors:

9 1. A dating relationship must have existed within the  
10 past 6 months;

11 2. The nature of the relationship must have been  
12 characterized by the expectation of affection or sexual  
13 involvement between the parties; and

14 3. The frequency and type of interaction between the  
15 persons involved in the relationship must have included that  
16 the persons have been involved over time and on a continuous  
17 basis during the course of the relationship.

18  
19 The term does not include violence in a casual  
20 acquaintanceship or violence between individuals who only have  
21 engaged in ordinary fraternization in a business or social  
22 context.

23 (2) There is created a cause of action for an  
24 injunction for protection in cases of repeat violence and  
25 there is created a separate cause of action for an injunction  
26 for protection in cases of dating violence.

27 (a) Any person who is the victim of repeat violence or  
28 the parent or legal guardian of any minor child who is living  
29 at home and who seeks an injunction for protection against  
30 repeat violence on behalf of the minor child has standing in  
31

1 the circuit court to file a sworn petition for an injunction  
2 for protection against repeat violence.

3 (b) Any person who is the victim of dating violence  
4 and has reasonable cause to believe he or she is in imminent  
5 danger of becoming the victim of another act of dating  
6 violence, or any person who has reasonable cause to believe he  
7 or she is in imminent danger of becoming the victim of an act  
8 of dating violence, or the parent or legal guardian of any  
9 minor child who is living at home and who seeks an injunction  
10 for protection against dating violence on behalf of that minor  
11 child, has standing in the circuit court to file a sworn  
12 petition for an injunction for protection against dating  
13 violence.

14 (c)~~(b)~~ This cause of action for an injunction may be  
15 sought whether or not any other petition, complaint, or cause  
16 of action is currently available or pending between the  
17 parties.

18 (d)~~(e)~~ This cause of action for an injunction shall  
19 not require that the petitioner be represented by an attorney.

20 (3)(a) The clerk of the court shall provide a copy of  
21 this section, simplified forms, and clerical assistance for  
22 the preparation and filing of such a petition by any person  
23 who is not represented by counsel.

24 (b) In the event the person desiring to file for an  
25 injunction pursuant to this section does not have sufficient  
26 funds with which to pay filing fees to the clerk of the court  
27 or service fees to the sheriff or law enforcement agency and  
28 signs an affidavit so stating, the fees shall be waived by the  
29 clerk of the court or the sheriff or law enforcement agency to  
30 the extent necessary to process the petition and serve the  
31

1 injunction, subject to a subsequent order of the court  
2 relative to the payment of such fees.

3 (c) No bond shall be required by the court for the  
4 entry of an injunction.

5 (d) The clerk of the court shall provide the  
6 petitioner with a certified copy of any injunction for  
7 protection against repeat violence or dating violence entered  
8 by the court.

9 (4)(a) The sworn petition shall allege the incidents  
10 of repeat violence or dating violence and shall include the  
11 specific facts and circumstances which form the basis upon  
12 which relief is sought. With respect to a minor child who is  
13 living at home, the parent or legal guardian of the minor  
14 child must have been an eyewitness to, or have direct physical  
15 evidence or affidavits from eyewitnesses of, the specific  
16 facts and circumstances which form the basis upon which relief  
17 is sought.

18 (b) The sworn petition shall be in substantially the  
19 following form:

20  
21 PETITION FOR INJUNCTION FOR PROTECTION  
22 AGAINST REPEAT VIOLENCE OR DATING VIOLENCE  
23

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

- 27  
28 1. Petitioner resides at ...(address)..  
29 2. Respondent resides at ...(address)..  
30  
31



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

4  
5                                   .....  
6                                   .....  
7                                   .....

8  
9           b. Petitioner is a victim of dating violence and has  
10 reasonable cause to believe that he or she is in imminent  
11 danger of becoming the victim of another act of dating  
12 violence or has reasonable cause to believe that he or she is  
13 in imminent danger of becoming a victim of dating violence, as  
14 demonstrated by the fact that the respondent has: ...(list the  
15 specific incident or incidents of violence and describe the  
16 length of time of the relationship, whether it has been in  
17 existence during the last 6 months, the nature of the  
18 relationship of a romantic or intimate nature, the frequency  
19 and type of interaction, and any other facts that characterize  
20 the relationship.)...

21  
22                                   .....  
23                                   .....  
24                                   .....

25  
26           4. Petitioner genuinely fears repeat violence by the  
27 respondent.

28           5. Petitioner seeks: an immediate injunction against  
29 the respondent, enjoining him or her from committing any  
30 further acts of ~~repeat~~ violence; an injunction enjoining the  
31 respondent from committing any further acts of ~~repeat~~

1 violence; and an injunction providing any terms the court  
2 deems necessary for the protection of the petitioner and the  
3 petitioner's immediate family, including any injunctions or  
4 directives to law enforcement agencies.

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

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

18 (b) In a hearing ex parte for the purpose of obtaining  
19 such temporary injunction, no evidence other than the verified  
20 pleading or affidavit shall be used as evidence, unless the  
21 respondent appears at the hearing or has received reasonable  
22 notice of the hearing.

23 (c) Any such ex parte temporary injunction shall be  
24 effective for a fixed period not to exceed 15 days. A full  
25 hearing, as provided by this section, shall be set for a date  
26 no later than the date when the temporary injunction ceases to  
27 be effective. The court may grant a continuance of the ex  
28 parte injunction and the full hearing before or during a  
29 hearing, for good cause shown by any party.

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

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

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

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

12 (d) A temporary or final judgment on injunction for  
13 protection against repeat violence or dating violence entered  
14 pursuant to this section shall, on its face, indicate that:

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

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

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

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

27 (8)(a)1. The clerk of the court shall furnish a copy  
28 of the petition, notice of hearing, and temporary injunction,  
29 if any, to the sheriff or a law enforcement agency of the  
30 county where the respondent resides or can be found, who shall  
31 serve it upon the respondent as soon thereafter as possible on

1 any day of the week and at any time of the day or night. The  
2 clerk of the court shall be responsible for furnishing to the  
3 sheriff such information on the respondent's physical  
4 description and location as is required by the department to  
5 comply with the verification procedures set forth in this  
6 section. Notwithstanding any other provision of law to the  
7 contrary, the chief judge of each circuit, in consultation  
8 with the appropriate sheriff, may authorize a law enforcement  
9 agency within the chief judge's jurisdiction to effect this  
10 type of service and to receive a portion of the service fee.  
11 No person shall be authorized or permitted to serve or execute  
12 an injunction issued under this section unless the person is a  
13 law enforcement officer as defined in chapter 943.

14           2. When an injunction is issued, if the petitioner  
15 requests the assistance of a law enforcement agency, the court  
16 may order that an officer from the appropriate law enforcement  
17 agency accompany the petitioner and assist in the execution or  
18 service of the injunction. A law enforcement officer shall  
19 accept a copy of an injunction for protection against repeat  
20 violence or dating violence, certified by the clerk of the  
21 court, from the petitioner and immediately serve it upon a  
22 respondent who has been located but not yet served.

23           (b) There shall be created a Domestic, Dating, and  
24 Repeat Violence Injunction Statewide Verification System  
25 within the Department of Law Enforcement. The department shall  
26 establish, implement, and maintain a statewide communication  
27 system capable of electronically transmitting information to  
28 and between criminal justice agencies relating to domestic  
29 violence injunctions, dating violence injunctions, and repeat  
30 violence injunctions issued by the courts throughout the  
31 state. Such information must include, but is not limited to,

1 information as to the existence and status of any injunction  
2 for verification purposes.

3 (c)1. Within 24 hours after the court issues an  
4 injunction for protection against repeat violence or dating  
5 violence or changes or vacates an injunction for protection  
6 against repeat violence or dating violence, the clerk of the  
7 court must forward a copy of the injunction to the sheriff  
8 with jurisdiction over the residence of the petitioner.

9 2. Within 24 hours after service of process of an  
10 injunction for protection against repeat violence or dating  
11 violence upon a respondent, the law enforcement officer must  
12 forward the written proof of service of process to the sheriff  
13 with jurisdiction over the residence of the petitioner.

14 3. Within 24 hours after the sheriff receives a  
15 certified copy of the injunction for protection against repeat  
16 violence or dating violence, the sheriff must make information  
17 relating to the injunction available to other law enforcement  
18 agencies by electronically transmitting such information to  
19 the department.

20 4. Within 24 hours after the sheriff or other law  
21 enforcement officer has made service upon the respondent and  
22 the sheriff has been so notified, the sheriff must make  
23 information relating to the service available to other law  
24 enforcement agencies by electronically transmitting such  
25 information to the department.

26 5. Within 24 hours after an injunction for protection  
27 against repeat violence or dating violence is lifted,  
28 terminated, or otherwise rendered no longer effective by  
29 ruling of the court, the clerk of the court must notify the  
30 sheriff or local law enforcement agency receiving original  
31 notification of the injunction as provided in subparagraph 2.

1 That agency shall, within 24 hours after receiving such  
2 notification from the clerk of the court, notify the  
3 department of such action of the court.

4 (9)(a) The court shall enforce, through a civil or  
5 criminal contempt proceeding, a violation of an injunction for  
6 protection. The court may enforce the respondent's compliance  
7 with the injunction by imposing a monetary assessment. The  
8 clerk of the court shall collect and receive such assessments.  
9 On a monthly basis, the clerk shall transfer the moneys  
10 collected pursuant to this paragraph to the State Treasury for  
11 deposit in the Crimes Compensation Trust Fund established in  
12 s. 960.21.

13 (b) If the respondent is arrested by a law enforcement  
14 officer under s. 901.15(10) for committing an act of repeat  
15 violence or dating violence in violation of a repeat or dating  
16 violence injunction for protection, the respondent shall be  
17 held in custody until brought before the court as  
18 expeditiously as possible for the purpose of enforcing the  
19 injunction and for admittance to bail in accordance with  
20 chapter 903 and the applicable rules of criminal procedure,  
21 pending a hearing.

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

24 (11) A law enforcement officer acting in good faith  
25 under this section and the officer's employing agency shall be  
26 immune from all liability, civil or criminal, that might  
27 otherwise be incurred or imposed by reason of the officer's or  
28 agency's actions in carrying out the provisions of this  
29 section.

30 Section 22. Section 784.047, Florida Statutes, is  
31 amended to read:

1           784.047 Penalties for violating protective injunction  
2 against ~~repeat~~ violators.--A person who willfully violates an  
3 injunction for protection against repeat violence or dating  
4 violence, issued pursuant to s. 784.046, or a foreign  
5 protection order accorded full faith and credit pursuant to s.  
6 741.315 by:

7           (1) Refusing to vacate the dwelling that the parties  
8 share;

9           (2) Going to the petitioner's residence, school, place  
10 of employment, or a specified place frequented regularly by  
11 the petitioner and any named family or household member;

12           (3) Committing an act of repeat violence or dating  
13 violence against the petitioner;

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

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

21  
22 commits a misdemeanor of the first degree, punishable as  
23 provided in s. 775.082 or s. 775.083.

24           Section 23. Subsection (4) of section 784.048, Florida  
25 Statutes, is amended to read:

26           784.048 Stalking; definitions; penalties.--

27           (4) Any person who, after an injunction for protection  
28 against repeat violence or dating violence pursuant to s.  
29 784.046, or an injunction for protection against domestic  
30 violence pursuant to s. 741.30, or after any other  
31 court-imposed prohibition of conduct toward the subject person

1 or that person's property, knowingly, willfully, maliciously,  
2 and repeatedly follows or harasses another person commits the  
3 offense of aggravated stalking, a felony of the third degree,  
4 punishable as provided in s. 775.082, s. 775.083, or s.  
5 775.084.

6 Section 24. Except as otherwise provided herein, this  
7 act shall take effect January 1, 2003.

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