



559728

LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 03/15/2023 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Rules (Berman) recommended the following:

Senate Amendment (with title amendment)

Delete lines 156 - 161

and insert:

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

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



559728

12 (3)

13 (b) The sworn petition shall be in substantially the
14 following form:

15

16

PETITION FOR

17

INJUNCTION FOR PROTECTION

18

AGAINST DOMESTIC VIOLENCE

19

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

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

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

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

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

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

32 Race.....

33 Sex.....

34 Date of birth.....

35 Height.....

36 Weight.....

37 Eye color.....

38 Hair color.....

39 Distinguishing marks or scars.....

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



559728

41 (f) Respondent is the spouse or former spouse of the
42 petitioner or is any other person related by blood or marriage
43 to the petitioner or is any other person who is or was residing
44 within a single dwelling unit with the petitioner, as if a
45 family, or is a person with whom the petitioner has a child in
46 common, regardless of whether the petitioner and respondent are
47 or were married or residing together, as if a family.

48 (g) The following describes any other cause of action
49 currently pending between the petitioner and respondent:.....
50

51 The petitioner should also describe any previous or pending
52 attempts by the petitioner to obtain an injunction for
53 protection against domestic violence in this or any other
54 circuit, and the results of that attempt:.....
55
56 Case numbers should be included if available.

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

65
66
67committed or threatened to commit domestic violence
68 defined in s. 741.28, Florida Statutes, as any assault,
69 aggravated assault, battery, aggravated battery, sexual assault,



559728

70 sexual battery, stalking, aggravated stalking, kidnapping, false
71 imprisonment, or any criminal offense resulting in physical
72 injury or death of one family or household member by another.
73 With the exception of persons who are parents of a child in
74 common, the family or household members must be currently
75 residing or have in the past resided together in the same single
76 dwelling unit.

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

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

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

83 ...intentionally injured or killed a family pet.

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

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

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

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

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

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

98 ...engaged in any other behavior or conduct that leads the



559728

99 petitioner to have reasonable cause to believe he or she is in
100 imminent danger of becoming a victim of domestic violence.

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

103A minor child or minor children reside with the
104 petitioner whose names and ages are as follows:

105
106Petitioner needs the exclusive use and possession of
107 the dwelling that the parties share.

108Petitioner is unable to obtain safe alternative housing
109 because:

110
111Petitioner genuinely fears that respondent imminently
112 will abuse, remove, or hide the minor child or children from
113 petitioner because:

114
115 (j) Petitioner genuinely fears imminent domestic violence
116 by respondent.

117 (k) Petitioner seeks an injunction: ...(mark appropriate
118 section or sections)...

119Immediately restraining the respondent from committing
120 any acts of domestic violence.

121Restraining the respondent from committing any acts of
122 domestic violence.

123Awarding to the petitioner the temporary exclusive use
124 and possession of the dwelling that the parties share or
125 excluding the respondent from the residence of the petitioner.

126Providing a temporary parenting plan, including a
127 temporary time-sharing schedule, with regard to the minor child



559728

128 or children of the parties which might involve prohibiting or
129 limiting time-sharing or requiring that it be supervised by a
130 third party.

131Establishing temporary support for the minor child or
132 children or the petitioner.

133Directing the respondent to participate in a batterers'
134 intervention program.

135Providing any terms the court deems necessary for the
136 protection of a victim of domestic violence, or any minor
137 children of the victim, including any injunctions or directives
138 to law enforcement agencies.

139

140 ===== T I T L E A M E N D M E N T =====

141 And the title is amended as follows:

142 Delete line 13

143 and insert:

144 violence injunction is in imminent danger; conforming
145 a provision to changes made by the act; providing