

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative Garcia offered the following:

Amendment

Remove lines 157-357 and insert:

6 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE
7 FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE. I
8 UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING
9 MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION
10 92.525 ~~837.02~~, FLORIDA STATUTES.

11 ...(initials)...

12 (d) If the verified ~~sworn~~ petition seeks to determine a
13 parenting plan and time-sharing schedule with regard to the
14 minor child or children of the parties, the verified ~~sworn~~
15 petition must be accompanied by or must incorporate the

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16 | allegations required by s. 61.522 of the Uniform Child Custody
17 | Jurisdiction and Enforcement Act.

18 | Section 2. Subsections (2) and (4) of section 784.046,
19 | Florida Statutes, are amended to read:

20 | 784.046 Action by victim of repeat violence, sexual
21 | violence, or dating violence for protective injunction; dating
22 | violence investigations, notice to victims, and reporting;
23 | pretrial release violations; public records exemption.—

24 | (2) There is created a cause of action for an injunction
25 | for protection in cases of repeat violence, there is created a
26 | separate cause of action for an injunction for protection in
27 | cases of dating violence, and there is created a separate cause
28 | of action for an injunction for protection in cases of sexual
29 | violence.

30 | (a) Any person who is the victim of repeat violence or the
31 | parent or legal guardian of any minor child who is living at
32 | home and who seeks an injunction for protection against repeat
33 | violence on behalf of the minor child has standing in the
34 | circuit court to file a verified ~~sworn~~ petition for an
35 | injunction for protection against repeat violence.

36 | (b) Any person who is the victim of dating violence and
37 | has reasonable cause to believe he or she is in imminent danger
38 | of becoming the victim of another act of dating violence, or any
39 | person who has reasonable cause to believe he or she is in
40 | imminent danger of becoming the victim of an act of dating

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41 violence, or the parent or legal guardian of any minor child who
42 is living at home and who seeks an injunction for protection
43 against dating violence on behalf of that minor child, has
44 standing in the circuit court to file a verified ~~sworn~~ petition
45 for an injunction for protection against dating violence.

46 (c) A person who is the victim of sexual violence or the
47 parent or legal guardian of a minor child who is living at home
48 who is the victim of sexual violence has standing in the circuit
49 court to file a verified ~~sworn~~ petition for an injunction for
50 protection against sexual violence on his or her own behalf or
51 on behalf of the minor child if:

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

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

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

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

67 (4) (a) The verified ~~sworn~~ petition shall allege the
68 incidents of repeat violence, sexual violence, or dating
69 violence and shall include the specific facts and circumstances
70 that form the basis upon which relief is sought. With respect to
71 a minor child who is living at home, the parent or legal
72 guardian seeking the protective injunction on behalf of the
73 minor child must:

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

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

86 (b) The verified ~~sworn~~ petition must be in substantially
87 the following form:

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PETITION FOR INJUNCTION FOR PROTECTION
AGAINST REPEAT VIOLENCE, SEXUAL
VIOLENCE, OR DATING VIOLENCE

~~Before me,~~ The undersigned ~~authority,~~ personally appeared petitioner ... (name) ... declares under penalty of perjury, ~~who has been sworn and says~~ that the following statements are true:

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

2. Respondent resides at ... (address)

3.a. Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has:

... (enumerate incidents of violence) ...

.....
.....
.....

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

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

125
126
127

128 4. Petitioner genuinely fears repeat violence by the
129 respondent.

130 5. Petitioner seeks: an immediate injunction against the
131 respondent, enjoining him or her from committing any further
132 acts of violence; an injunction enjoining the respondent from
133 committing any further acts of violence; and an injunction
134 providing any terms the court deems necessary for the protection
135 of the petitioner and the petitioner's immediate family,

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136 including any injunctions or directives to law enforcement
137 agencies.

138 (c) Every petition for an injunction against sexual
139 violence, dating violence, or repeat violence must contain,
140 directly above the signature line, a statement in all capital
141 letters and bold type not smaller than the surrounding text, as
142 follows:

143
144 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE
145 FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE
146 TRUE. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS
147 PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,
148 PUNISHABLE AS PROVIDED IN SECTION 92.525, FLORIDA STATUTES.

149
150 ...(initials)...

151 Section 3. Paragraph (a) of subsection (1) and paragraphs
152 (a), (b), and (f) of subsection (3) of section 784.0485, Florida
153 Statutes, are amended to read:

154 784.0485 Stalking; injunction; powers and duties of court
155 and clerk; petition; notice and hearing; temporary injunction;
156 issuance of injunction; statewide verification system;
157 enforcement.—

158 (1) There is created a cause of action for an injunction
159 for protection against stalking. For the purposes of injunctions

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160 for protection against stalking under this section, the offense
161 of stalking shall include the offense of cyberstalking.

162 (a) A person who is the victim of stalking or the parent
163 or legal guardian of a minor child who is living at home who
164 seeks an injunction for protection against stalking on behalf of
165 the minor child has standing in the circuit court to file a
166 verified ~~sworn~~ petition for an injunction for protection against
167 stalking.

168 (3)(a) The verified ~~sworn~~ petition shall allege the
169 existence of such stalking and shall include the specific facts
170 and circumstances for which relief is sought.

171 (b) The verified ~~sworn~~ petition shall be in substantially
172 the following form:

173 PETITION FOR INJUNCTION

174 FOR PROTECTION AGAINST STALKING

175 ~~Before me,~~ The undersigned ~~authority,~~ ~~personally appeared~~
176 petitioner ... (name) ... declares under penalty of perjury, ~~who~~
177 ~~has been sworn and says~~ that the following statements are true:

178 1. Petitioner resides at: ... (address) ...

179 (Petitioner may furnish the address to the court in a separate
180 confidential filing if, for safety reasons, the petitioner
181 requires the location of the current residence to be
182 confidential.)

183 2. Respondent resides at: ... (last known address) ...

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- 184 3. Respondent's last known place of employment: ...(name of
185 business and address)...
- 186 4. Physical description of respondent:
- 187 5. Race:
- 188 6. Sex:
- 189 7. Date of birth:
- 190 8. Height:
- 191 9. Weight:
- 192 10. Eye color:
- 193 11. Hair color:
- 194 12. Distinguishing marks or scars:
- 195 13. Aliases of respondent:

196 (f) Every petition for an injunction against stalking must
197 contain, directly above the signature line, a statement in all
198 capital letters and bold type not smaller than the surrounding
199 text, as follows:

200

201 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE
202 FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE. ±
203 ~~HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH~~
204 ~~STATEMENT IS TRUE AND CORRECT.~~ I UNDERSTAND THAT THE STATEMENTS
205 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,
206 PUNISHABLE AS PROVIDED IN SECTION 92.525 ~~837.02~~, FLORIDA
207 STATUTES.
208 ...(initials)...

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