

1                                   A bill to be entitled  
 2           An act relating to interpersonal violence injunction  
 3           petitions; amending ss. 741.30, 784.046, and 784.0485,  
 4           F.S.; revising verification requirements for specified  
 5           interpersonal violence injunction petitions; providing  
 6           an effective date.

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

9  
 10           Section 1. Paragraph (a) of subsection (1) and subsection  
 11           (3) of section 741.30, Florida Statutes, are amended to read:

12           741.30 Domestic violence; injunction; powers and duties of  
 13           court and clerk; petition; notice and hearing; temporary  
 14           injunction; issuance of injunction; statewide verification  
 15           system; enforcement; public records exemption.—

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

18           (a) Any person described in paragraph (e), who is either  
 19           the victim of domestic violence as defined in s. 741.28 or has  
 20           reasonable cause to believe he or she is in imminent danger of  
 21           becoming the victim of any act of domestic violence, has  
 22           standing in the circuit court to file a verified ~~sworn~~ petition  
 23           for an injunction for protection against domestic violence.

24           (3)(a) The verified ~~sworn~~ petition must allege the  
 25           existence of such domestic violence and must include the

26 | specific facts and circumstances upon the basis of which relief  
27 | is sought.

28 | (b) The verified ~~sworn~~ petition shall be in substantially  
29 | the following form:

30 | PETITION FOR  
31 | INJUNCTION FOR PROTECTION  
32 | AGAINST DOMESTIC VIOLENCE

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

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

37 | (Petitioner may furnish address to the court in a separate  
38 | confidential filing if, for safety reasons, the petitioner  
39 | requires the location of the current residence to be  
40 | confidential.)

41 | (b) Respondent resides at: ... (last known address) ...

42 | (c) Respondent's last known place of employment: ... (name  
43 | of business and address) ...

44 | (d) Physical description of respondent: .....

45 | Race.....

46 | Sex.....

47 | Date of birth.....

48 | Height.....

49 | Weight.....

50 | Eye color.....

51 Hair color.....

52 Distinguishing marks or scars.....

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

54 (f) Respondent is the spouse or former spouse of the  
55 petitioner or is any other person related by blood or marriage  
56 to the petitioner or is any other person who is or was residing  
57 within a single dwelling unit with the petitioner, as if a  
58 family, or is a person with whom the petitioner has a child in  
59 common, regardless of whether the petitioner and respondent are  
60 or were married or residing together, as if a family.

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

63  
64 The petitioner should also describe any previous or pending  
65 attempts by the petitioner to obtain an injunction for  
66 protection against domestic violence in this or any other  
67 circuit, and the results of that attempt:.....

68  
69 Case numbers should be included if available.

70 (h) Petitioner is either a victim of domestic violence or  
71 has reasonable cause to believe he or she is in imminent danger  
72 of becoming a victim of domestic violence because respondent  
73 has: ...(mark all sections that apply and describe in the spaces  
74 below the incidents of violence or threats of violence,  
75 specifying when and where they occurred, including, but not

76 | limited to, locations such as a home, school, place of  
77 | employment, or visitation exchange)...

78 | .....  
79 | .....

80 | ....committed or threatened to commit domestic violence  
81 | defined in s. 741.28, Florida Statutes, as any assault,  
82 | aggravated assault, battery, aggravated battery, sexual assault,  
83 | sexual battery, stalking, aggravated stalking, kidnapping, false  
84 | imprisonment, or any criminal offense resulting in physical  
85 | injury or death of one family or household member by another.  
86 | With the exception of persons who are parents of a child in  
87 | common, the family or household members must be currently  
88 | residing or have in the past resided together in the same single  
89 | dwelling unit.

90 | ....previously threatened, harassed, stalked, or physically  
91 | abused the petitioner.

92 | ....attempted to harm the petitioner or family members or  
93 | individuals closely associated with the petitioner.

94 | ....threatened to conceal, kidnap, or harm the petitioner's  
95 | child or children.

96 | ....intentionally injured or killed a family pet.

97 | ....used, or has threatened to use, against the petitioner  
98 | any weapons such as guns or knives.

99 | ....physically restrained the petitioner from leaving the  
100 | home or calling law enforcement.

101       ....a criminal history involving violence or the threat of  
102 violence (if known).

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

105       ....destroyed personal property, including, but not limited  
106 to, telephones or other communication equipment, clothing, or  
107 other items belonging to the petitioner.

108       ....engaged in a pattern of abusive, threatening,  
109 intimidating, or controlling behavior composed of a series of  
110 acts over a period of time, however short.

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

114       (i) Petitioner alleges the following additional specific  
115 facts: ...(mark appropriate sections)...

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

118  
119       ....Petitioner needs the exclusive use and possession of  
120 the dwelling that the parties share.

121       ....Petitioner is unable to obtain safe alternative housing  
122 because: .....

123  
124       ....Petitioner genuinely fears that respondent imminently  
125 will abuse, remove, or hide the minor child or children from

126 petitioner because:.....

127

128 (j) Petitioner genuinely fears imminent domestic violence

129 by respondent.

130 (k) Petitioner seeks an injunction: ... (mark appropriate

131 section or sections)...

132 ....Immediately restraining the respondent from committing

133 any acts of domestic violence.

134 ....Restraining the respondent from committing any acts of

135 domestic violence.

136 ....Awarding to the petitioner the temporary exclusive use

137 and possession of the dwelling that the parties share or

138 excluding the respondent from the residence of the petitioner.

139 ....Providing a temporary parenting plan, including a

140 temporary time-sharing schedule, with regard to the minor child

141 or children of the parties which might involve prohibiting or

142 limiting time-sharing or requiring that it be supervised by a

143 third party.

144 ....Establishing temporary support for the minor child or

145 children or the petitioner.

146 ....Directing the respondent to participate in a batterers'

147 intervention program.

148 ....Providing any terms the court deems necessary for the

149 protection of a victim of domestic violence, or any minor

150 children of the victim, including any injunctions or directives

151 to law enforcement agencies.

152 (c) Every petition for an injunction against domestic  
 153 violence must contain, directly above the signature line, a  
 154 statement in all capital letters and bold type not smaller than  
 155 the surrounding text, as follows:

156  
 157 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH  
 158 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS  
 159 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,  
 160 PUNISHABLE AS PROVIDED IN SECTION 92.525 ~~837.02~~, FLORIDA  
 161 STATUTES.

162 ...(initials)...

163 (d) If the verified ~~sworn~~ petition seeks to determine a  
 164 parenting plan and time-sharing schedule with regard to the  
 165 minor child or children of the parties, the verified ~~sworn~~  
 166 petition must be accompanied by or must incorporate the  
 167 allegations required by s. 61.522 of the Uniform Child Custody  
 168 Jurisdiction and Enforcement Act.

169 Section 2. Subsections (2) and (4) of section 784.046,  
 170 Florida Statutes, are amended to read:

171 784.046 Action by victim of repeat violence, sexual  
 172 violence, or dating violence for protective injunction; dating  
 173 violence investigations, notice to victims, and reporting;  
 174 pretrial release violations; public records exemption.—

175 (2) There is created a cause of action for an injunction

HB 761

2024

176 for protection in cases of repeat violence, there is created a  
177 separate cause of action for an injunction for protection in  
178 cases of dating violence, and there is created a separate cause  
179 of action for an injunction for protection in cases of sexual  
180 violence.

181 (a) Any person who is the victim of repeat violence or the  
182 parent or legal guardian of any minor child who is living at  
183 home and who seeks an injunction for protection against repeat  
184 violence on behalf of the minor child has standing in the  
185 circuit court to file a verified ~~sworn~~ petition for an  
186 injunction for protection against repeat violence.

187 (b) Any person who is the victim of dating violence and  
188 has reasonable cause to believe he or she is in imminent danger  
189 of becoming the victim of another act of dating violence, or any  
190 person who has reasonable cause to believe he or she is in  
191 imminent danger of becoming the victim of an act of dating  
192 violence, or the parent or legal guardian of any minor child who  
193 is living at home and who seeks an injunction for protection  
194 against dating violence on behalf of that minor child, has  
195 standing in the circuit court to file a verified ~~sworn~~ petition  
196 for an injunction for protection against dating violence.

197 (c) A person who is the victim of sexual violence or the  
198 parent or legal guardian of a minor child who is living at home  
199 who is the victim of sexual violence has standing in the circuit  
200 court to file a verified ~~sworn~~ petition for an injunction for



201 protection against sexual violence on his or her own behalf or  
 202 on behalf of the minor child if:

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

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

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

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

218 (4) (a) The verified ~~sworn~~ petition shall allege the  
 219 incidents of repeat violence, sexual violence, or dating  
 220 violence and shall include the specific facts and circumstances  
 221 that form the basis upon which relief is sought. With respect to  
 222 a minor child who is living at home, the parent or legal  
 223 guardian seeking the protective injunction on behalf of the  
 224 minor child must:

225 1. Have been an eyewitness to, or have direct physical

226 | evidence or affidavits from eyewitnesses of, the specific facts  
 227 | and circumstances that form the basis upon which relief is  
 228 | sought, if the party against whom the protective injunction is  
 229 | sought is also a parent, stepparent, or legal guardian of the  
 230 | minor child; or

231 |         2. Have reasonable cause to believe that the minor child  
 232 | is a victim of repeat violence, sexual violence, or dating  
 233 | violence to form the basis upon which relief is sought, if the  
 234 | party against whom the protective injunction is sought is a  
 235 | person other than a parent, stepparent, or legal guardian of the  
 236 | minor child.

237 |         (b) The verified ~~sworn~~ petition must be in substantially  
 238 | the following form:

239 |                     PETITION FOR INJUNCTION FOR PROTECTION  
 240 |                             AGAINST REPEAT VIOLENCE, SEXUAL  
 241 |                                     VIOLENCE, OR DATING VIOLENCE

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

245 |         1. Petitioner resides at ... (address) ... (A petitioner for  
 246 | an injunction for protection against sexual violence may furnish  
 247 | an address to the court in a separate confidential filing if,  
 248 | for safety reasons, the petitioner requires the location of his  
 249 | or her current residence to be confidential pursuant to s.  
 250 | 119.071 (2) (j), Florida Statutes.)

251 2. Respondent resides at ...(address)....

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

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

255 .....

256 .....

257 .....

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

262 .....

263 .....

264 .....

265 c. Petitioner is a victim of dating violence and has  
266 reasonable cause to believe that he or she is in imminent danger  
267 of becoming the victim of another act of dating violence or has  
268 reasonable cause to believe that he or she is in imminent danger  
269 of becoming a victim of dating violence, as demonstrated by the  
270 fact that the respondent has: ...(list the specific incident or  
271 incidents of violence and describe the length of time of the  
272 relationship, whether it has been in existence during the last 6  
273 months, the nature of the relationship of a romantic or intimate  
274 nature, the frequency and type of interaction, and any other  
275 facts that characterize the relationship)...

276 .....  
 277 .....  
 278 .....

279 4. Petitioner genuinely fears repeat violence by the  
 280 respondent.

281 5. Petitioner seeks: an immediate injunction against the  
 282 respondent, enjoining him or her from committing any further  
 283 acts of violence; an injunction enjoining the respondent from  
 284 committing any further acts of violence; and an injunction  
 285 providing any terms the court deems necessary for the protection  
 286 of the petitioner and the petitioner's immediate family,  
 287 including any injunctions or directives to law enforcement  
 288 agencies.

289 (c) Every petition for an injunction against sexual  
 290 violence, dating violence, or repeat violence must contain,  
 291 directly above the signature line, a statement in all capital  
 292 letters and bold type not smaller than the surrounding text, as  
 293 follows:

294  
 295 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH  
 296 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE  
 297 STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER  
 298 PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION  
 299 92.525, FLORIDA STATUTES.

300



FOR PROTECTION AGAINST STALKING

~~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) ...  
 (Petitioner may furnish the address to the court in a separate  
 confidential filing if, for safety reasons, the petitioner  
 requires the location of the current residence to be  
 confidential.)
2. Respondent resides at: ... (last known address) ...
3. Respondent's last known place of employment: ... (name of  
 business and address) ...
4. Physical description of respondent: ....
5. Race: ....
6. Sex: ....
7. Date of birth: ....
8. Height: ....
9. Weight: ....
10. Eye color: ....
11. Hair color: ....
12. Distinguishing marks or scars: ....
13. Aliases of respondent: ....

(f) Every petition for an injunction against stalking must  
 contain, directly above the signature line, a statement in all  
 capital letters and bold type not smaller than the surrounding

HB 761

2024

351 | text, as follows:

352

353 | I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH  
354 | STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS  
355 | MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,  
356 | PUNISHABLE AS PROVIDED IN SECTION 92.525 ~~837.02~~, FLORIDA  
357 | STATUTES.

358 | ...(initials)...

359 | Section 4. This act shall take effect July 1, 2024.