

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 penalties 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)...

132Immediately restraining the respondent from committing
133 any acts of domestic violence.

134Restraining the respondent from committing any acts of
135 domestic violence.

136Awarding 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.

139Providing 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.

144Establishing temporary support for the minor child or
145 children or the petitioner.

146Directing the respondent to participate in a batterers'
147 intervention program.

148Providing 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 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE
 158 FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE. I
 159 UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING
 160 MADE UNDER PENALTIES ~~PENALTY~~ OF PERJURY, PUNISHABLE AS PROVIDED
 161 IN SECTION 92.525 ~~837.02~~, FLORIDA 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

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 penalties 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 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE
 296 FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE
 297 TRUE. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS
 298 PETITION ARE BEING MADE UNDER PENALTIES OF PERJURY,
 299 PUNISHABLE AS PROVIDED IN SECTION 92.525, FLORIDA STATUTES.

300

FOR PROTECTION AGAINST STALKING

~~Before me,~~ The undersigned ~~authority,~~ personally appeared
 petitioner ... (name) ... declares under penalties 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

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351 | text, as follows:

352 |

353 | UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE

354 | FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE ±

355 | ~~HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH~~

356 | ~~STATEMENT IS TRUE AND CORRECT.~~ I UNDERSTAND THAT THE STATEMENTS

357 | MADE IN THIS PETITION ARE BEING MADE UNDER PENALTIES ~~PENALTY~~ OF

358 | PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525 ~~837.02~~,

359 | FLORIDA STATUTES.

360 | ...(initials)...

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