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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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The Committee on Criminal Justice (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete lines 65 - 429

and insert:

Section 1. Paragraph (a) of subsection (1), subsection (3), and subsection (8) 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



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11 system; enforcement; public records exemption.-

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

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

20 (3) (a) The verified ~~sworn~~ petition must allege the
21 existence of such domestic violence and must include the
22 specific facts and circumstances upon the basis of which relief
23 is sought.

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

26

27

PETITION FOR

28

INJUNCTION FOR PROTECTION

29

AGAINST DOMESTIC VIOLENCE

30

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

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

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

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



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

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

43 Race.....

44 Sex.....

45 Date of birth.....

46 Height.....

47 Weight.....

48 Eye color.....

49 Hair color.....

50 Distinguishing marks or scars.....

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

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

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

61

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

66

67 Case numbers should be included if available.

68 (h) Petitioner is either a victim of domestic violence or



69 has reasonable cause to believe he or she is in imminent danger
70 of becoming a victim of domestic violence because respondent
71 has: ...(mark all sections that apply and describe in the spaces
72 below the incidents of violence or threats of violence,
73 specifying when and where they occurred, including, but not
74 limited to, locations such as a home, school, place of
75 employment, or visitation exchange)...

76
77

78committed or threatened to commit domestic violence
79 defined in s. 741.28, Florida Statutes, as any assault,
80 aggravated assault, battery, aggravated battery, sexual assault,
81 sexual battery, stalking, aggravated stalking, kidnapping, false
82 imprisonment, or any criminal offense resulting in physical
83 injury or death of one family or household member by another.
84 With the exception of persons who are parents of a child in
85 common, the family or household members must be currently
86 residing or have in the past resided together in the same single
87 dwelling unit.

88previously threatened, harassed, stalked, or physically
89 abused the petitioner.

90attempted to harm the petitioner or family members or
91 individuals closely associated with the petitioner.

92threatened to conceal, kidnap, or harm the petitioner's
93 child or children.

94intentionally injured or killed a family pet.

95used, or has threatened to use, against the petitioner
96 any weapons such as guns or knives.

97physically restrained the petitioner from leaving the



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98 home or calling law enforcement.

99a criminal history involving violence or the threat of
100 violence (if known).

101another order of protection issued against him or her
102 previously or from another jurisdiction (if known).

103destroyed personal property, including, but not limited
104 to, telephones or other communication equipment, clothing, or
105 other items belonging to the petitioner.

106engaged in a pattern of abusive, threatening,
107 intimidating, or controlling behavior composed of a series of
108 acts over a period of time, however short.

109engaged in any other behavior or conduct that leads the
110 petitioner to have reasonable cause to believe he or she is in
111 imminent danger of becoming a victim of domestic violence.

112 (i) Petitioner alleges the following additional specific
113 facts: ...(mark appropriate sections)...

114A minor child or minor children reside with the
115 petitioner whose names and ages are as follows:

116
117Petitioner needs the exclusive use and possession of
118 the dwelling that the parties share.

119Petitioner is unable to obtain safe alternative housing
120 because:

121
122Petitioner genuinely fears that respondent imminently
123 will abuse, remove, or hide the minor child or children from
124 petitioner because:

125
126 (j) Petitioner genuinely fears imminent domestic violence



127 by respondent.

128 (k) Petitioner seeks an injunction: ... (mark appropriate
129 section or sections)...

130Immediately restraining the respondent from committing
131 any acts of domestic violence.

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

134Awarding to the petitioner the temporary exclusive use
135 and possession of the dwelling that the parties share or
136 excluding the respondent from the residence of the petitioner.

137Providing a temporary parenting plan, including a
138 temporary time-sharing schedule, with regard to the minor child
139 or children of the parties which might involve prohibiting or
140 limiting time-sharing or requiring that it be supervised by a
141 third party.

142Establishing temporary support for the minor child or
143 children or the petitioner.

144Directing the respondent to participate in a batterers'
145 intervention program.

146Providing any terms the court deems necessary for the
147 protection of a victim of domestic violence, or any minor
148 children of the victim, including any injunctions or directives
149 to law enforcement agencies.

150

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

155



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

161 ... (initials) ...

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

168 (8) (a) 1. Within 24 hours after the court issues an
169 injunction for protection against domestic violence, the clerk
170 of the court shall electronically transmit a copy of the
171 petition, financial affidavit, Uniform Child Custody
172 Jurisdiction and Enforcement Act affidavit, if any, notice of
173 hearing, and temporary injunction, if any, to the sheriff or a
174 law enforcement agency of the county where the respondent
175 resides or can be found, who shall serve it upon the respondent
176 as soon thereafter as possible on any day of the week and at any
177 time of the day or night. An electronic copy of an injunction
178 must be certified by the clerk of the court, and the electronic
179 copy must be served in the same manner as a certified copy. Upon
180 receiving an electronic copy of the injunction, the sheriff must
181 verify receipt with the sender before attempting to serve it
182 upon the respondent. In addition, if the sheriff is in
183 possession of an injunction for protection that has been
184 certified by the clerk of the court, the sheriff may



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185 electronically transmit a copy of that injunction to a law
186 enforcement officer who shall serve it in the same manner as a
187 certified copy. The clerk of the court is responsible for
188 furnishing to the sheriff such information on the respondent's
189 physical description and location as is required by the
190 department to comply with the verification procedures set forth
191 in this section. Notwithstanding any other law to the contrary,
192 the chief judge of each circuit, in consultation with the
193 appropriate sheriff, may authorize a law enforcement agency
194 within the jurisdiction to effect service. A law enforcement
195 agency serving injunctions pursuant to this section must use
196 service and verification procedures consistent with those of the
197 sheriff.

198 2. For an injunction issued after July 1, 2025, the clerk
199 of the court must provide to the Department of Highway Safety
200 and Motor Vehicles that such an injunction was issued, and must
201 update the Department of Highway Safety and Motor Vehicles when
202 such an injunction is no longer in place. Such information must
203 be included in the Driver and Vehicle Information Database.

204 ~~3.2.~~ When an injunction is issued, if the petitioner
205 requests the assistance of a law enforcement agency, the court
206 may order that an officer from the appropriate law enforcement
207 agency accompany the petitioner and assist in placing the
208 petitioner in possession of the dwelling or residence, or
209 otherwise assist in the execution or service of the injunction.
210 A law enforcement officer must accept a copy of an injunction
211 for protection against domestic violence, certified by the clerk
212 of the court, from the petitioner and immediately serve it upon
213 a respondent who has been located but not yet served.



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214 ~~4.3.~~ All orders issued, changed, continued, extended, or
215 vacated subsequent to the original service of documents
216 enumerated under subparagraph 1. must be certified by the clerk
217 of the court and delivered to the parties at the time of the
218 entry of the order. The parties may acknowledge receipt of such
219 order in writing on the face of the original order. In the event
220 a party fails or refuses to acknowledge the receipt of a
221 certified copy of an order, the clerk shall note on the original
222 order that service was effected. If delivery at the hearing is
223 not possible, the clerk shall mail certified copies of the order
224 to the parties at the last known address of each party. Service
225 by mail is complete upon mailing. When an order is served
226 pursuant to this subsection, the clerk shall prepare a written
227 certification to be placed in the court file specifying the
228 time, date, and method of service and shall notify the sheriff.
229

230 If the respondent has been served previously with the
231 temporary injunction and has failed to appear at the initial
232 hearing on the temporary injunction, any subsequent petition for
233 injunction seeking an extension of time may be served on the
234 respondent by the clerk of the court by certified mail in lieu
235 of personal service by a law enforcement officer.

236 Section 2. Subsections (2), (4), and paragraph (a) of
237 subsection (8) of section 784.046, Florida Statutes, are amended
238 to read:

239 784.046 Action by victim of repeat violence, sexual
240 violence, or dating violence for protective injunction; dating
241 violence investigations, notice to victims, and reporting;
242 pretrial release violations; public records exemption.-



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243 (2) There is created a cause of action for an injunction
244 for protection in cases of repeat violence, there is created a
245 separate cause of action for an injunction for protection in
246 cases of dating violence, and there is created a separate cause
247 of action for an injunction for protection in cases of sexual
248 violence.

249 (a) Any person who is the victim of repeat violence or the
250 parent or legal guardian of any minor child who is living at
251 home and who seeks an injunction for protection against repeat
252 violence on behalf of the minor child has standing in the
253 circuit court to file a verified ~~sworn~~ petition for an
254 injunction for protection against repeat violence.

255 (b) Any person who is the victim of dating violence and has
256 reasonable cause to believe he or she is in imminent danger of
257 becoming the victim of another act of dating violence, or any
258 person who has reasonable cause to believe he or she is in
259 imminent danger of becoming the victim of an act of dating
260 violence, or the parent or legal guardian of any minor child who
261 is living at home and who seeks an injunction for protection
262 against dating violence on behalf of that minor child, has
263 standing in the circuit court to file a verified ~~sworn~~ petition
264 for an injunction for protection against dating violence.

265 (c) A person who is the victim of sexual violence or the
266 parent or legal guardian of a minor child who is living at home
267 who is the victim of sexual violence has standing in the circuit
268 court to file a verified ~~sworn~~ petition for an injunction for
269 protection against sexual violence on his or her own behalf or
270 on behalf of the minor child if:

271 1. The person has reported the sexual violence to a law



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272 enforcement agency and is cooperating in any criminal proceeding
273 against the respondent, regardless of whether criminal charges
274 based on the sexual violence have been filed, reduced, or
275 dismissed by the state attorney; or

276 2. The respondent who committed the sexual violence against
277 the victim or minor child was sentenced to a term of
278 imprisonment in state prison for the sexual violence and the
279 respondent's term of imprisonment has expired or is due to
280 expire within 90 days following the date the verified petition
281 is filed.

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

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

287 (4) (a) The verified ~~sworn~~ petition shall allege the
288 incidents of repeat violence, sexual violence, or dating
289 violence and shall include the specific facts and circumstances
290 that form the basis upon which relief is sought. With respect to
291 a minor child who is living at home, the parent or legal
292 guardian seeking the protective injunction on behalf of the
293 minor child must:

294 1. Have been an eyewitness to, or have direct physical
295 evidence or affidavits from eyewitnesses of, the specific facts
296 and circumstances that form the basis upon which relief is
297 sought, if the party against whom the protective injunction is
298 sought is also a parent, stepparent, or legal guardian of the
299 minor child; or

300 2. Have reasonable cause to believe that the minor child is



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301 a victim of repeat violence, sexual violence, or dating violence
302 to form the basis upon which relief is sought, if the party
303 against whom the protective injunction is sought is a person
304 other than a parent, stepparent, or legal guardian of the minor
305 child.

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

308
309 PETITION FOR INJUNCTION FOR PROTECTION
310 AGAINST REPEAT VIOLENCE, SEXUAL
311 VIOLENCE, OR DATING VIOLENCE
312

313 ~~Before me,~~ The undersigned ~~authority,~~ ~~personally appeared~~
314 Petitioner ...(Name)..., declares under penalty of perjury ~~who~~
315 ~~has been sworn and says~~ that the following statements are true:
316

317 1. Petitioner resides at ...(address)... (A petitioner for
318 an injunction for protection against sexual violence may furnish
319 an address to the court in a separate confidential filing if,
320 for safety reasons, the petitioner requires the location of his
321 or her current residence to be confidential pursuant to s.
322 119.071(2)(j), Florida Statutes.)

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

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

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

327
328
329



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330

331
332 b. Petitioner has suffered sexual violence as demonstrated
333 by the fact that the respondent has: ...(enumerate incident of
334 violence and include incident report number from law enforcement
335 agency or attach notice of inmate release)...

336
337
338
339

340
341 c. Petitioner is a victim of dating violence and has
342 reasonable cause to believe that he or she is in imminent danger
343 of becoming the victim of another act of dating violence or has
344 reasonable cause to believe that he or she is in imminent danger
345 of becoming a victim of dating violence, as demonstrated by the
346 fact that the respondent has: ...(list the specific incident or
347 incidents of violence and describe the length of time of the
348 relationship, whether it has been in existence during the last 6
349 months, the nature of the relationship of a romantic or intimate
350 nature, the frequency and type of interaction, and any other
351 facts that characterize the relationship)...

352
353
354
355

356
357 4. Petitioner genuinely fears repeat violence by the
358 respondent.



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359 5. Petitioner seeks: an immediate injunction against the
360 respondent, enjoining him or her from committing any further
361 acts of violence; an injunction enjoining the respondent from
362 committing any further acts of violence; and an injunction
363 providing any terms the court deems necessary for the protection
364 of the petitioner and the petitioner's immediate family,
365 including any injunctions or directives to law enforcement
366 agencies.

367 (c) Every petition for an injunction against repeat
368 violence, sexual violence, or dating violence must contain the
369 following statement directly above the signature line, in all
370 capital letters and bold type not smaller than the surrounding
371 text:

372
373 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND
374 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT
375 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE
376 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
377 SECTION 92.525, FLORIDA STATUTES.

378 (8) (a) 1. Within 24 hours after the court issues an
379 injunction for protection against repeat violence, sexual
380 violence, or dating violence, the clerk of the court shall
381 electronically transmit a copy of the petition, notice of
382 hearing, and temporary injunction, if any, to the sheriff or a
383 law enforcement agency of the county where the respondent
384 resides or can be found, who shall serve it upon the respondent
385 as soon thereafter as possible on any day of the week and at any
386 time of the day or night. An electronic copy of an injunction
387 must be certified by the clerk of the court, and the electronic



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388 copy must be served in the same manner as a certified copy. Upon
389 receiving an electronic copy of the injunction, the sheriff must
390 verify receipt with the sender before attempting to serve it
391 upon the respondent. In addition, if the sheriff is in
392 possession of an injunction for protection that has been
393 certified by the clerk of the court, the sheriff may
394 electronically transmit a copy of that injunction to a law
395 enforcement officer who shall serve it in the same manner as a
396 certified copy. The clerk of the court is responsible for
397 furnishing to the sheriff such information on the respondent's
398 physical description and location as is required by the
399 department to comply with the verification procedures set forth
400 in this section. Notwithstanding any other law to the contrary,
401 the chief judge of each circuit, in consultation with the
402 appropriate sheriff, may authorize a law enforcement agency
403 within the chief judge's jurisdiction to effect this type of
404 service and to receive a portion of the service fee. A person
405 may not serve or execute an injunction issued under this section
406 unless the person is a law enforcement officer as defined in
407 chapter 943.

408 2. For an injunction issued after July 1, 2025, the clerk
409 of the court must provide to the Department of Highway Safety
410 and Motor Vehicles that such an injunction was issued, and must
411 update the Department of Highway Safety and Motor Vehicles when
412 such an injunction is no longer in place. Such information must
413 be included in the Driver and Vehicle Information Database.

414 3.2. When an injunction is issued, if the petitioner
415 requests the assistance of a law enforcement agency, the court
416 may order that an officer from the appropriate law enforcement



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417 agency accompany the petitioner and assist in the execution or
418 service of the injunction. A law enforcement officer must accept
419 a copy of an injunction for protection against repeat violence,
420 sexual violence, or dating violence, certified by the clerk of
421 the court, from the petitioner and immediately serve it upon a
422 respondent who has been located but not yet served.

423 Section 3. Paragraph (a) of subsection (1), paragraphs (a),
424 (b), and (f) of subsection (3), and paragraph (a) of subsection
425 (8) of section 784.0485, Florida Statutes, are amended to read:

426 784.0485 Stalking; injunction; powers and duties of court
427 and clerk; petition; notice and hearing; temporary injunction;
428 issuance of injunction; statewide verification system;
429 enforcement.—

430 (1) There is created a cause of action for an injunction
431 for protection against stalking. For the purposes of injunctions
432 for protection against stalking under this section, the offense
433 of stalking shall include the offense of cyberstalking.

434 (a) A person who is the victim of stalking or the parent or
435 legal guardian of a minor child who is living at home who seeks
436 an injunction for protection against stalking on behalf of the
437 minor child has standing in the circuit court to file a verified
438 ~~sworn~~ petition for an injunction for protection against
439 stalking.

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

443 (b) The verified ~~sworn~~ petition shall be in substantially
444 the following form:
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PETITION FOR INJUNCTION
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



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475 text, as follows:

476

477 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND
478 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT
479 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE
480 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
481 SECTION 92.525 ~~837.02~~, FLORIDA STATUTES.

482

483 ... (initials) ...

484

485 (8)(a)1. Within 24 hours after the court issues an
486 injunction for protection against stalking, the clerk of the
487 court shall electronically transmit a copy of the petition,
488 notice of hearing, and temporary injunction, if any, to the
489 sheriff or a law enforcement agency of the county where the
490 respondent resides or can be found, who shall serve it upon the
491 respondent as soon thereafter as possible on any day of the week
492 and at any time of the day or night. An electronic copy of an
493 injunction must be certified by the clerk of the court, and the
494 electronic copy must be served in the same manner as a certified
495 copy. Upon receiving an electronic copy of the injunction, the
496 sheriff must verify receipt with the sender before attempting to
497 serve it on the respondent. In addition, if the sheriff is in
498 possession of an injunction for protection that has been
499 certified by the clerk of the court, the sheriff may
500 electronically transmit a copy of that injunction to a law
501 enforcement officer who shall serve it in the same manner as a
502 certified copy. The clerk of the court shall furnish to the
503 sheriff such information concerning the respondent's physical
description and location as is required by the Department of Law



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504 Enforcement to comply with the verification procedures set forth
505 in this section. Notwithstanding any other law, the chief judge
506 of each circuit, in consultation with the appropriate sheriff,
507 may authorize a law enforcement agency within the jurisdiction
508 to effect service. A law enforcement agency serving injunctions
509 pursuant to this section must use service and verification
510 procedures consistent with those of the sheriff.

511 2. For an injunction issued after July 1, 2025, the clerk
512 of the court must provide to the Department of Highway Safety
513 and Motor Vehicles that such an injunction was issued, and must
514 update the Department of Highway Safety and Motor Vehicles when
515 such an injunction is no longer in place. Such information must
516 be included in the Driver and Vehicle Information Database.

517 ~~3.2.~~ If an injunction is issued and the petitioner requests
518 the assistance of a law enforcement agency, the court may order
519 that an officer from the appropriate law enforcement agency
520 accompany the petitioner to assist in the execution or service
521 of the injunction. A law enforcement officer must accept a copy
522 of an injunction for protection against stalking, certified by
523 the clerk of the court, from the petitioner and immediately
524 serve it upon a respondent who has been located but not yet
525 served.

526 ~~4.3.~~ An order issued, changed, continued, extended, or
527 vacated subsequent to the original service of documents
528 enumerated under subparagraph 1. must be certified by the clerk
529 of the court and delivered to the parties at the time of the
530 entry of the order. The parties may acknowledge receipt of such
531 order in writing on the face of the original order. If a party
532 fails or refuses to acknowledge the receipt of a certified copy



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533 of an order, the clerk shall note on the original order that
534 service was effected. If delivery at the hearing is not
535 possible, the clerk shall mail certified copies of the order to
536 the parties at the last known address of each party. Service by
537 mail is complete upon mailing. When an order is served pursuant
538 to this subsection, the clerk shall prepare a written
539 certification to be placed in the court file specifying the
540 time, date, and method of service and shall notify the sheriff.

541 ~~5.4.~~ If the respondent has been served previously with a
542 temporary injunction and has failed to appear at the initial
543 hearing on the temporary injunction, any subsequent petition for
544 injunction seeking an extension of time may be served on the
545 respondent by the clerk of the court by certified mail in lieu
546 of personal service by a law enforcement officer.

547
548 ===== T I T L E A M E N D M E N T =====

549 And the title is amended as follows:

550 Delete line 10

551 and insert:

552 swear to, certain statements; requiring the clerk of
553 the court to include an injunction in the Driver and
554 Vehicle Information Database; conforming provisions to