

By Senator Calatayud

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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 a requirement that petitions for
5 injunction for protection against domestic violence,
6 repeat violence, sexual violence, or dating violence,
7 and stalking, respectively, be verified, rather than
8 sworn to; revising the form for such petitions for
9 injunction to require a person to verify, rather than
10 swear to, certain statements; conforming provisions to
11 changes made by the act; reenacting ss. 39.301(9)(b)
12 and (10)(a), 39.504(4)(b) and (5), 61.45(4) and
13 (7)(b), 741.29(1), 741.2902(2), and 741.31(4), F.S.,
14 relating to initiation of protective investigations,
15 injunctions and penalties, court-ordered parenting
16 plans, investigation of domestic violence incidents,
17 legislative intent with respect to the judiciary's
18 role in domestic violence cases, violation of an
19 injunction for protection against domestic violence,
20 and respectively, to incorporate the amendment made to
21 s. 741.30, F.S., in references thereto; reenacting ss.
22 61.1825(3)(a), 61.1827(1), 394.4597(2)(e),
23 394.4598(2)(g) and (h), 397.6978(2)(g) and (h),
24 784.048(4), 790.065(2)(c), 901.15(6), (7), and (13),
25 921.141(6)(p), and 921.1425(7)(j), F.S., relating to
26 the State Case Registry, identifying information
27 concerning applicants for and recipients of child
28 support services, persons to be notified for
29 involuntary patients, guardian advocates, guardian

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30 advocates for patients incompetent to consent,
31 penalties for stalking, the sale and delivery of
32 firearms, arrest by an officer without a warrant, the
33 sentence of death or life imprisonment for capital
34 felonies, and the sentence of death or life
35 imprisonment for capital sexual battery, respectively,
36 to incorporate the amendments made to ss. 741.30 and
37 784.046, F.S., in references thereto; reenacting s.
38 790.233(1), F.S., relating to prohibited possession of
39 a firearm or ammunition for certain persons subject to
40 an injunction, to incorporate the amendments made in
41 ss. 741.30 and 784.0485, F.S., in references thereto;
42 reenacting ss. 28.2221(8)(a), (b), and (c), 57.105(8),
43 741.315(2), 790.401(2)(e) and (3)(c) and (e),
44 934.03(2)(1), and 934.425(3), F.S., relating to
45 electronic access to official records, attorney fees
46 and sanctions, recognition of foreign protection
47 orders, petitions for a risk protection order,
48 prohibited interception and disclosure of wire, oral,
49 or electronic communications, and installation of
50 tracking devices or tracking applications,
51 respectively, to incorporate the amendments made to
52 ss. 741.30, 784.046, and 784.0485, F.S., in references
53 thereto; reenacting s. 784.047(1), F.S., relating to
54 penalties for violating protective injunctions against
55 violators, to incorporate the amendment made to s.
56 784.046, F.S., in a reference thereto; reenacting s.
57 784.0487(4)(a), F.S., relating to violation of an
58 injunction for protection against stalking or

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59 cyberstalking, to incorporate the amendment made to s.
 60 784.0485, F.S., in a reference thereto; providing an
 61 effective date.

62
 63 Be It Enacted by the Legislature of the State of Florida:

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

67 741.30 Domestic violence; injunction; powers and duties of
 68 court and clerk; petition; notice and hearing; temporary
 69 injunction; issuance of injunction; statewide verification
 70 system; enforcement; public records exemption.—

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

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

79 (3) (a) The verified ~~sworn~~ petition must allege the
 80 existence of such domestic violence and must include the
 81 specific facts and circumstances upon the basis of which relief
 82 is sought.

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

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 86 PETITION FOR
 87 INJUNCTION FOR PROTECTION

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AGAINST DOMESTIC 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:

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

(Petitioner may furnish 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.)

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

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

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

Race.....

Sex.....

Date of birth.....

Height.....

Weight.....

Eye color.....

Hair color.....

Distinguishing marks or scars.....

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

(f) Respondent is the spouse or former spouse of the
petitioner or is any other person related by blood or marriage
to the petitioner or is any other person who is or was residing
within a single dwelling unit with the petitioner, as if a
family, or is a person with whom the petitioner has a child in
common, regardless of whether the petitioner and respondent are

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117 or were married or residing together, as if a family.

118 (g) The following describes any other cause of action
119 currently pending between the petitioner and respondent:.....
120

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

125

126 Case numbers should be included if available.

127 (h) Petitioner is either a victim of domestic violence or
128 has reasonable cause to believe he or she is in imminent danger
129 of becoming a victim of domestic violence because respondent
130 has: ...(mark all sections that apply and describe in the spaces
131 below the incidents of violence or threats of violence,
132 specifying when and where they occurred, including, but not
133 limited to, locations such as a home, school, place of
134 employment, or visitation exchange)...

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137 ...committed or threatened to commit domestic violence
138 defined in s. 741.28, Florida Statutes, as any assault,
139 aggravated assault, battery, aggravated battery, sexual assault,
140 sexual battery, stalking, aggravated stalking, kidnapping, false
141 imprisonment, or any criminal offense resulting in physical
142 injury or death of one family or household member by another.
143 With the exception of persons who are parents of a child in
144 common, the family or household members must be currently
145 residing or have in the past resided together in the same single

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146 dwelling unit.

147 ...previously threatened, harassed, stalked, or physically
148 abused the petitioner.

149 ...attempted to harm the petitioner or family members or
150 individuals closely associated with the petitioner.

151 ...threatened to conceal, kidnap, or harm the petitioner's
152 child or children.

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

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

156 ...physically restrained the petitioner from leaving the
157 home or calling law enforcement.

158 a criminal history involving violence or the threat of
159 violence (if known).

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

162 ...destroyed personal property, including, but not limited
163 to, telephones or other communication equipment, clothing, or
164 other items belonging to the petitioner.

165 ...engaged in a pattern of abusive, threatening,
166 intimidating, or controlling behavior composed of a series of
167 acts over a period of time, however short.

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

171 (i) Petitioner alleges the following additional specific
172 facts: ... (mark appropriate sections)...

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

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176 Petitioner needs the exclusive use and possession of
177 the dwelling that the parties share.

178 Petitioner is unable to obtain safe alternative housing
179 because:

180

181 Petitioner genuinely fears that respondent imminently
182 will abuse, remove, or hide the minor child or children from
183 petitioner because:

184

185 (j) Petitioner genuinely fears imminent domestic violence
186 by respondent.

187 (k) Petitioner seeks an injunction: ... (mark appropriate
188 section or sections)...

189 Immediately restraining the respondent from committing
190 any acts of domestic violence.

191 Restraining the respondent from committing any acts of
192 domestic violence.

193 Awarding to the petitioner the temporary exclusive use
194 and possession of the dwelling that the parties share or
195 excluding the respondent from the residence of the petitioner.

196 Providing a temporary parenting plan, including a
197 temporary time-sharing schedule, with regard to the minor child
198 or children of the parties which might involve prohibiting or
199 limiting time-sharing or requiring that it be supervised by a
200 third party.

201 Establishing temporary support for the minor child or
202 children or the petitioner.

203 Directing the respondent to participate in a batterers'

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233 pretrial release violations; public records exemption.—

234 (2) There is created a cause of action for an injunction
235 for protection in cases of repeat violence, there is created a
236 separate cause of action for an injunction for protection in
237 cases of dating violence, and there is created a separate cause
238 of action for an injunction for protection in cases of sexual
239 violence.

240 (a) Any person who is the victim of repeat violence or the
241 parent or legal guardian of any minor child who is living at
242 home and who seeks an injunction for protection against repeat
243 violence on behalf of the minor child has standing in the
244 circuit court to file a verified ~~sworn~~ petition for an
245 injunction for protection against repeat violence.

246 (b) Any person who is the victim of dating violence and has
247 reasonable cause to believe he or she is in imminent danger of
248 becoming the victim of another act of dating violence, or any
249 person who has reasonable cause to believe he or she is in
250 imminent danger of becoming the victim of an act of dating
251 violence, or the parent or legal guardian of any minor child who
252 is living at home and who seeks an injunction for protection
253 against dating violence on behalf of that minor child, has
254 standing in the circuit court to file a verified ~~sworn~~ petition
255 for an injunction for protection against dating violence.

256 (c) A person who is the victim of sexual violence or the
257 parent or legal guardian of a minor child who is living at home
258 who is the victim of sexual violence has standing in the circuit
259 court to file a verified ~~sworn~~ petition for an injunction for
260 protection against sexual violence on his or her own behalf or
261 on behalf of the minor child if:

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

267 2. The respondent who committed the sexual violence against
268 the victim or minor child was sentenced to a term of
269 imprisonment in state prison for the sexual violence and the
270 respondent's term of imprisonment has expired or is due to
271 expire within 90 days following the date the verified petition
272 is filed.

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

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

278 (4) (a) The verified ~~sworn~~ petition shall allege the
279 incidents of repeat violence, sexual violence, or dating
280 violence and shall include the specific facts and circumstances
281 that form the basis upon which relief is sought. With respect to
282 a minor child who is living at home, the parent or legal
283 guardian seeking the protective injunction on behalf of the
284 minor child must:

285 1. Have been an eyewitness to, or have direct physical
286 evidence or affidavits from eyewitnesses of, the specific facts
287 and circumstances that form the basis upon which relief is
288 sought, if the party against whom the protective injunction is
289 sought is also a parent, stepparent, or legal guardian of the
290 minor child; or

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

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332 c. Petitioner is a victim of dating violence and has
333 reasonable cause to believe that he or she is in imminent danger
334 of becoming the victim of another act of dating violence or has
335 reasonable cause to believe that he or she is in imminent danger
336 of becoming a victim of dating violence, as demonstrated by the
337 fact that the respondent has: ...(list the specific incident or
338 incidents of violence and describe the length of time of the
339 relationship, whether it has been in existence during the last 6
340 months, the nature of the relationship of a romantic or intimate
341 nature, the frequency and type of interaction, and any other
342 facts that characterize the relationship)...

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348 4. Petitioner genuinely fears repeat violence by the

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349 respondent.

350 5. Petitioner seeks: an immediate injunction against the
351 respondent, enjoining him or her from committing any further
352 acts of violence; an injunction enjoining the respondent from
353 committing any further acts of violence; and an injunction
354 providing any terms the court deems necessary for the protection
355 of the petitioner and the petitioner's immediate family,
356 including any injunctions or directives to law enforcement
357 agencies.

358 (c) Every petition for an injunction against repeat
359 violence, sexual violence, or dating violence must contain the
360 following statement directly above the signature line, in all
361 capital letters and bold type not smaller than the surrounding
362 text:

363

364 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND
365 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT
366 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE
367 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
368 SECTION 92.525, FLORIDA STATUTES.

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

372 784.0485 Stalking; injunction; powers and duties of court
373 and clerk; petition; notice and hearing; temporary injunction;
374 issuance of injunction; statewide verification system;
375 enforcement.-

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

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378 for protection against stalking under this section, the offense
 379 of stalking shall include the offense of cyberstalking.

380 (a) A person who is the victim of stalking or the parent or
 381 legal guardian of a minor child who is living at home who seeks
 382 an injunction for protection against stalking on behalf of the
 383 minor child has standing in the circuit court to file a verified
 384 ~~sworn~~ petition for an injunction for protection against
 385 stalking.

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

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

391
 392 PETITION FOR INJUNCTION
 393 FOR PROTECTION AGAINST STALKING
 394

395 ~~Before me,~~ The undersigned ~~authority,~~ personally
 396 ~~appeared~~ Petitioner ... (Name) ..., declares under
 397 penalty of perjury ~~who has been sworn and says~~ that
 398 the following statements are true:
 399

- 400 1. Petitioner resides at: ... (address) ...
 401 (Petitioner may furnish the address to the court in a
 402 separate confidential filing if, for safety reasons,
 403 the petitioner requires the location of the current
 404 residence to be confidential.)
 405 2. Respondent resides at: ... (last known address) ...
 406 3. Respondent's last known place of employment:

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- 407 ...(name of business and address)...
- 408 4. Physical description of respondent:
- 409 5. Race:
- 410 6. Sex:
- 411 7. Date of birth:
- 412 8. Height:
- 413 9. Weight:
- 414 10. Eye color:
- 415 11. Hair color:
- 416 12. Distinguishing marks or scars:
- 417 13. Aliases of respondent:

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

422
 423 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND
 424 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT
 425 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE
 426 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
 427 SECTION 92.525 ~~837.02~~, FLORIDA STATUTES.

428
 429 ...(initials)...

430 Section 4. For the purpose of incorporating the amendment
 431 made by this act to section 741.30, Florida Statutes, in
 432 references thereto, paragraph (b) of subsection (9) and
 433 paragraph (a) of subsection (10) of section 39.301, Florida
 434 Statutes, are reenacted to read:

435 39.301 Initiation of protective investigations.-

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(b) For each report received from the central abuse hotline, the department shall determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the child's safety and well-being and development, and cause the delivery of those services through the early intervention of the department or its agent. If a delay or disability of the child is suspected, the parent must be referred to a local child developmental screening program, such as the Child Find program of the Florida Diagnostic and Learning Resource System, for screening of the child. As applicable, child protective investigators must inform parents and caregivers how and when to use the injunction process under s. 741.30 to remove a perpetrator of domestic violence from the home as an intervention to protect the child.

1. If the department determines that the interests of the child and the public will be best served by providing the child care or other treatment voluntarily accepted by the child and the parents or legal custodians, the parent or legal custodian and child may be referred for such care, case management, or other community resources.

2. If the department determines that the child is in need of protection and supervision, the department may file a petition for dependency.

3. If a petition for dependency is not being filed by the department, the person or agency originating the report shall be advised of the right to file a petition pursuant to this part.

4. At the close of an investigation, the department shall provide to the person who is alleged to have caused the abuse,

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465 neglect, or abandonment and the parent or legal custodian a
466 summary of findings from the investigation and provide
467 information about their right to access confidential reports in
468 accordance with s. 39.202.

469 (10) (a) The department's training program for staff
470 responsible for responding to reports accepted by the central
471 abuse hotline must also ensure that child protective responders:

472 1. Know how to fully inform parents or legal custodians of
473 their rights and options, including opportunities for audio or
474 video recording of child protective responder interviews with
475 parents or legal custodians or children.

476 2. Know how and when to use the injunction process under s.
477 39.504 or s. 741.30 to remove a perpetrator of domestic violence
478 from the home as an intervention to protect the child.

479 3. Know how to explain to the parent, legal custodian, or
480 person who is alleged to have caused the abuse, neglect, or
481 abandonment the results of the investigation and to provide
482 information about his or her right to access confidential
483 reports in accordance with s. 39.202, prior to closing the case.

484 Section 5. For the purpose of incorporating the amendment
485 made by this act to section 741.30, Florida Statutes, in
486 references thereto, paragraph (b) of subsection (4) and
487 subsection (5) of section 39.504, Florida Statutes, are
488 reenacted to read:

489 39.504 Injunction; penalty.—

490 (4) If an injunction is issued under this section, the
491 primary purpose of the injunction must be to protect and promote
492 the best interests of the child, taking the preservation of the
493 child's immediate family into consideration.

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494 (b) Upon proper pleading, the court may award the following
495 relief in a temporary ex parte or final injunction:

- 496 1. Exclusive use and possession of the dwelling to the
497 caregiver or exclusion of the alleged or actual offender from
498 the residence of the caregiver.
- 499 2. Temporary support for the child or other family members.
- 500 3. The costs of medical, psychiatric, and psychological
501 treatment for the child incurred due to the abuse, and similar
502 costs for other family members.

503

504 This paragraph does not preclude an adult victim of domestic
505 violence from seeking protection for himself or herself under s.
506 741.30.

507 (5) Service of process on the respondent shall be carried
508 out pursuant to s. 741.30. The department shall deliver a copy
509 of any injunction issued pursuant to this section to the
510 protected party or to a parent, caregiver, or individual acting
511 in the place of a parent who is not the respondent. Law
512 enforcement officers may exercise their arrest powers as
513 provided in s. 901.15(6) to enforce the terms of the injunction.

514 Section 6. For the purpose of incorporating the amendment
515 made by this act to section 741.30, Florida Statutes, in
516 references thereto, subsection (4) and paragraph (b) of
517 subsection (7) of section 61.45, Florida Statutes, are reenacted
518 to read:

519 61.45 Court-ordered parenting plan; risk of violation;
520 bond.—

521 (4) In assessing the need for a bond or other security, the
522 court may consider any reasonable factor bearing upon the risk

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523 that a party may violate a parenting plan by removing a child
524 from this state or country or by concealing the whereabouts of a
525 child, including but not limited to whether:

526 (a) A court has previously found that a party previously
527 removed a child from Florida or another state in violation of a
528 parenting plan, or whether a court had found that a party has
529 threatened to take a child out of Florida or another state in
530 violation of a parenting plan;

531 (b) The party has strong family and community ties to
532 Florida or to other states or countries, including whether the
533 party or child is a citizen of another country;

534 (c) The party has strong financial reasons to remain in
535 Florida or to relocate to another state or country;

536 (d) The party has engaged in activities that suggest plans
537 to leave Florida, such as quitting employment; sale of a
538 residence or termination of a lease on a residence, without
539 efforts to acquire an alternative residence in the state;
540 closing bank accounts or otherwise liquidating assets; applying
541 for a passport or visa; or obtaining travel documents for the
542 respondent or the child;

543 (e) Either party has had a history of domestic violence as
544 either a victim or perpetrator, child abuse or child neglect
545 evidenced by criminal history, including but not limited to,
546 arrest, an injunction for protection against domestic violence
547 issued after notice and hearing under s. 741.30, medical
548 records, affidavits, or any other relevant information;

549 (f) The party has a criminal record;

550 (g) The party is likely to take the child to a country
551 that:

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- 552 1. Is not a party to the Hague Convention on the Civil
553 Aspects of International Child Abduction and does not provide
554 for the extradition of an abducting parent or for the return of
555 an abducted child;
- 556 2. Is a party to the Hague Convention on the Civil Aspects
557 of International Child Abduction, but:
- 558 a. The Hague Convention on the Civil Aspects of
559 International Child Abduction is not in force between this
560 country and that country;
- 561 b. Is noncompliant or demonstrating patterns of
562 noncompliance according to the most recent compliance report
563 issued by the United States Department of State; or
- 564 c. Lacks legal mechanisms for immediately and effectively
565 enforcing a return order under the Hague Convention on the Civil
566 Aspects of International Child Abduction;
- 567 3. Poses a risk that the child's physical or emotional
568 health or safety would be endangered in the country because of
569 specific circumstances relating to the child or because of human
570 rights violations committed against children;
- 571 4. Has laws or practices that would:
- 572 a. Enable the respondent, without due cause, to prevent the
573 petitioner from contacting the child;
- 574 b. Restrict the petitioner from freely traveling to or
575 exiting from the country because of the petitioner's gender,
576 nationality, marital status, or religion; or
- 577 c. Restrict the child's ability to legally leave the
578 country after the child reaches the age of majority because of a
579 child's gender, nationality, or religion;
- 580 5. Is included by the United States Department of State on

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581 a current list of state sponsors of terrorism;

582 6. Does not have an official United States diplomatic
583 presence in the country; or

584 7. Is engaged in active military action or war, including a
585 civil war, to which the child may be exposed;

586 (h) The party is undergoing a change in immigration or
587 citizenship status that would adversely affect the respondent's
588 ability to remain in this country legally;

589 (i) The party has had an application for United States
590 citizenship denied;

591 (j) The party has forged or presented misleading or false
592 evidence on government forms or supporting documents to obtain
593 or attempt to obtain a passport, a visa, travel documents, a
594 social security card, a driver license, or other government-
595 issued identification card or has made a misrepresentation to
596 the United States government;

597 (k) The party has used multiple names to attempt to mislead
598 or defraud;

599 (l) The party has been diagnosed with a mental health
600 disorder that the court considers relevant to the risk of
601 abduction; or

602 (m) The party has engaged in any other conduct that the
603 court considers relevant to the risk of abduction.

604 (7)

605 (b) This section, including the requirement to post a bond
606 or other security, does not apply to a parent who, in a
607 proceeding to order or modify a parenting plan or time-sharing
608 schedule, is determined by the court to be a victim of an act of
609 domestic violence or provides the court with reasonable cause to

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610 believe that he or she is about to become the victim of an act
611 of domestic violence, as defined in s. 741.28. An injunction for
612 protection against domestic violence issued pursuant to s.
613 741.30 for a parent as the petitioner which is in effect at the
614 time of the court proceeding shall be one means of demonstrating
615 sufficient evidence that the parent is a victim of domestic
616 violence or is about to become the victim of an act of domestic
617 violence, as defined in s. 741.28, and shall exempt the parent
618 from this section, including the requirement to post a bond or
619 other security. A parent who is determined by the court to be
620 exempt from the requirements of this section must meet the
621 requirements of s. 787.03(6) if an offense of interference with
622 the parenting plan or time-sharing schedule is committed.

623 Section 7. For the purpose of incorporating the amendment
624 made by this act to section 741.30, Florida Statutes, in a
625 reference thereto, subsection (1) of section 741.29, Florida
626 Statutes, is reenacted to read:

627 741.29 Domestic violence; investigation of incidents;
628 notice to victims of legal rights and remedies; reporting.—

629 (1) Any law enforcement officer who investigates an alleged
630 incident of domestic violence shall assist the victim to obtain
631 medical treatment if such is required as a result of the alleged
632 incident to which the officer responds. Any law enforcement
633 officer who investigates an alleged incident of domestic
634 violence shall advise the victim of such violence that there is
635 a domestic violence center from which the victim may receive
636 services. The law enforcement officer shall give the victim
637 immediate notice of the legal rights and remedies available on a
638 standard form developed and distributed by the department. As

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639 necessary, the department shall revise the Legal Rights and
640 Remedies Notice to Victims to include a general summary of s.
641 741.30 using simple English as well as Spanish, and shall
642 distribute the notice as a model form to be used by all law
643 enforcement agencies throughout the state. The notice shall
644 include:

645 (a) The resource listing, including telephone number, for
646 the area domestic violence center designated by the Department
647 of Children and Families; and

648 (b) A copy of the following statement: "IF YOU ARE THE
649 VICTIM OF DOMESTIC VIOLENCE, you may ask the state attorney to
650 file a criminal complaint. You also have the right to go to
651 court and file a petition requesting an injunction for
652 protection from domestic violence which may include, but need
653 not be limited to, provisions which restrain the abuser from
654 further acts of abuse; direct the abuser to leave your
655 household; prevent the abuser from entering your residence,
656 school, business, or place of employment; award you custody of
657 your minor child or children; and direct the abuser to pay
658 support to you and the minor children if the abuser has a legal
659 obligation to do so."

660 Section 8. For the purpose of incorporating the amendment
661 made by this act to section 741.30, Florida Statutes, in a
662 reference thereto, subsection (2) of section 741.2902, Florida
663 Statutes, is reenacted to read:

664 741.2902 Domestic violence; legislative intent with respect
665 to judiciary's role.—

666 (2) It is the intent of the Legislature, with respect to
667 injunctions for protection against domestic violence, issued

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668 pursuant to s. 741.30, that the court shall:

669 (a) Recognize that the petitioner's safety may require
670 immediate removal of the respondent from their joint residence
671 and that there can be inherent danger in permitting the
672 respondent partial or periodic access to the residence.

673 (b) Ensure that the parties have a clear understanding of
674 the terms of the injunction, the penalties for failure to
675 comply, and that the parties cannot amend the injunction
676 verbally, in writing, or by invitation to the residence.

677 (c) Ensure that the parties have knowledge of legal rights
678 and remedies including, but not limited to, visitation, child
679 support, retrieving property, counseling, and enforcement or
680 modification of the injunction.

681 (d) Consider temporary child support when the pleadings
682 raise the issue and in the absence of other support orders.

683 (e) Consider supervised visitation, withholding visitation,
684 or other arrangements for visitation that will best protect the
685 child and petitioner from harm.

686 (f) Enforce, through a civil or criminal contempt
687 proceeding, a violation of an injunction for protection against
688 domestic violence.

689 (g) Consider requiring the perpetrator to complete a
690 batterers' intervention program. It is preferred that such
691 program meet the requirements specified in s. 741.325.

692 Section 9. For the purpose of incorporating the amendment
693 made by this act to section 741.30, Florida Statutes, in a
694 reference thereto, paragraph (a) of subsection (4) of section
695 741.31, Florida Statutes, is reenacted to read:

696 741.31 Violation of an injunction for protection against

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697 domestic violence.—

698 (4) (a) A person who willfully violates an injunction for
699 protection against domestic violence issued pursuant to s.
700 741.30, or a foreign protection order accorded full faith and
701 credit pursuant to s. 741.315, by:

702 1. Refusing to vacate the dwelling that the parties share;

703 2. Going to, or being within 500 feet of, the petitioner's
704 residence, school, place of employment, or a specified place
705 frequented regularly by the petitioner and any named family or
706 household member;

707 3. Committing an act of domestic violence against the
708 petitioner;

709 4. Committing any other violation of the injunction through
710 an intentional unlawful threat, word, or act to do violence to
711 the petitioner;

712 5. Telephoning, contacting, or otherwise communicating with
713 the petitioner directly or indirectly, unless the injunction
714 specifically allows indirect contact through a third party;

715 6. Knowingly and intentionally coming within 100 feet of
716 the petitioner's motor vehicle, whether or not that vehicle is
717 occupied;

718 7. Defacing or destroying the petitioner's personal
719 property, including the petitioner's motor vehicle; or

720 8. Refusing to surrender firearms or ammunition if ordered
721 to do so by the court

722

723 commits a misdemeanor of the first degree, punishable as
724 provided in s. 775.082 or s. 775.083, except as provided in
725 paragraph (c).

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726 Section 10. For the purpose of incorporating the amendments
727 made by this act to sections 741.30 and 784.0485, Florida
728 Statutes, in references thereto, subsection (1) of section
729 790.233, Florida Statutes, is reenacted to read:

730 790.233 Possession of firearm or ammunition prohibited when
731 person is subject to an injunction against committing acts of
732 domestic violence, stalking, or cyberstalking; penalties.—

733 (1) A person may not have in his or her care, custody,
734 possession, or control any firearm or ammunition if the person
735 has been issued a final injunction that is currently in force
736 and effect, restraining that person from committing acts of
737 domestic violence, as issued under s. 741.30 or from committing
738 acts of stalking or cyberstalking, as issued under s. 784.0485.

739 Section 11. For the purpose of incorporating the amendments
740 made by this act to sections 741.30 and 784.046, Florida
741 Statutes, in references thereto, paragraph (a) of subsection (3)
742 of section 61.1825, Florida Statutes, is reenacted to read:

743 61.1825 State Case Registry.—

744 (3) (a) For the purpose of this section, a family violence
745 indicator must be placed on a record when:

746 1. A party executes a sworn statement requesting that a
747 family violence indicator be placed on that party's record which
748 states that the party has reason to believe that release of
749 information to the Federal Case Registry may result in physical
750 or emotional harm to the party or the child; or

751 2. A temporary or final injunction for protection against
752 domestic violence has been granted pursuant to s. 741.30(6), an
753 injunction for protection against domestic violence has been
754 issued by a court of a foreign state pursuant to s. 741.315, or

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755 a temporary or final injunction for protection against repeat
756 violence has been granted pursuant to s. 784.046; or

757 3. The department has received information on a Title IV-D
758 case from the Domestic, Dating, Sexual, and Repeat Violence
759 Injunction Statewide Verification System, established pursuant
760 to s. 784.046(8)(b), that a court has granted a party a domestic
761 violence or repeat violence injunction.

762 Section 12. For the purpose of incorporating the amendments
763 made by this act to sections 741.30 and 784.046, Florida
764 Statutes, in references thereto, subsection (1) of section
765 61.1827, Florida Statutes, is reenacted to read:

766 61.1827 Identifying information concerning applicants for
767 and recipients of child support services.—

768 (1) Any information that reveals the identity of applicants
769 for or recipients of child support services, including the name,
770 address, and telephone number of such persons, held by a non-
771 Title IV-D county child support enforcement agency is
772 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
773 of the State Constitution. The use or disclosure of such
774 information by the non-Title IV-D county child support
775 enforcement agency is limited to the purposes directly connected
776 with:

777 (a) Any investigation, prosecution, or criminal or civil
778 proceeding connected with the administration of any non-Title
779 IV-D county child support enforcement program;

780 (b) Mandatory disclosure of identifying and location
781 information as provided in s. 61.13(7) by the non-Title IV-D
782 county child support enforcement agency when providing non-Title
783 IV-D services;

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784 (c) Mandatory disclosure of information as required by ss.
785 409.2577, 61.181, 61.1825, and 61.1826 and Title IV-D of the
786 Social Security Act; or

787 (d) Disclosure to an authorized person, as defined in 45
788 C.F.R. s. 303.15, for purposes of enforcing any state or federal
789 law with respect to the unlawful taking or restraint of a child
790 or making or enforcing a parenting plan. As used in this
791 paragraph, the term "authorized person" includes a parent with
792 whom the child does not currently reside, unless a court has
793 entered an order under s. 741.30, s. 741.31, or s. 784.046.

794 Section 13. For the purpose of incorporating the amendments
795 made by this act to sections 741.30 and 784.046, Florida
796 Statutes, in references thereto, paragraph (e) of subsection (2)
797 of section 394.4597, Florida Statutes, is reenacted to read:

798 394.4597 Persons to be notified; patient's representative.-

799 (2) INVOLUNTARY PATIENTS.-

800 (e) The following persons are prohibited from selection as
801 a patient's representative:

802 1. A professional providing clinical services to the
803 patient under this part.

804 2. The licensed professional who initiated the involuntary
805 examination of the patient, if the examination was initiated by
806 professional certificate.

807 3. An employee, an administrator, or a board member of the
808 facility providing the examination of the patient.

809 4. An employee, an administrator, or a board member of a
810 treatment facility providing treatment for the patient.

811 5. A person providing any substantial professional services
812 to the patient, including clinical services.

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813 6. A creditor of the patient.

814 7. A person subject to an injunction for protection against
815 domestic violence under s. 741.30, whether the order of
816 injunction is temporary or final, and for which the patient was
817 the petitioner.

818 8. A person subject to an injunction for protection against
819 repeat violence, stalking, sexual violence, or dating violence
820 under s. 784.046, whether the order of injunction is temporary
821 or final, and for which the patient was the petitioner.

822 Section 14. For the purpose of incorporating the amendments
823 made by this act to sections 741.30 and 784.046, Florida
824 Statutes, in references thereto, paragraphs (g) and (h) of
825 subsection (2) of section 394.4598, Florida Statutes, are
826 reenacted to read:

827 394.4598 Guardian advocate.—

828 (2) The following persons are prohibited from appointment
829 as a patient's guardian advocate:

830 (g) A person subject to an injunction for protection
831 against domestic violence under s. 741.30, whether the order of
832 injunction is temporary or final, and for which the patient was
833 the petitioner.

834 (h) A person subject to an injunction for protection
835 against repeat violence, stalking, sexual violence, or dating
836 violence under s. 784.046, whether the order of injunction is
837 temporary or final, and for which the patient was the
838 petitioner.

839 Section 15. For the purpose of incorporating the amendments
840 made by this act to sections 741.30 and 784.046, Florida
841 Statutes, in references thereto, paragraphs (g) and (h) of

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842 subsection (2) of section 397.6978, Florida Statutes, are
843 reenacted to read:

844 397.6978 Guardian advocate; patient incompetent to consent;
845 substance abuse disorder.—

846 (2) The following persons are prohibited from appointment
847 as a patient's guardian advocate:

848 (g) A person subject to an injunction for protection
849 against domestic violence under s. 741.30, whether the order of
850 injunction is temporary or final, and for which the individual
851 was the petitioner.

852 (h) A person subject to an injunction for protection
853 against repeat violence, stalking, sexual violence, or dating
854 violence under s. 784.046, whether the order of injunction is
855 temporary or final, and for which the individual was the
856 petitioner.

857 Section 16. For the purpose of incorporating the amendments
858 made by this act to sections 741.30 and 784.046, Florida
859 Statutes, in references thereto, subsection (4) of section
860 784.048, Florida Statutes, is reenacted to read:

861 784.048 Stalking; definitions; penalties.—

862 (4) A person who, after an injunction for protection
863 against repeat violence, sexual violence, or dating violence
864 pursuant to s. 784.046, or an injunction for protection against
865 domestic violence pursuant to s. 741.30, or after any other
866 court-imposed prohibition of conduct toward the subject person
867 or that person's property, knowingly, willfully, maliciously,
868 and repeatedly follows, harasses, or cyberstalks another person
869 commits the offense of aggravated stalking, a felony of the
870 third degree, punishable as provided in s. 775.082, s. 775.083,

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871 or s. 775.084.

872 Section 17. For the purpose of incorporating the amendments
873 made by this act to sections 741.30 and 784.046, Florida
874 Statutes, in references thereto, paragraph (c) of subsection (2)
875 of section 790.065, Florida Statutes, is reenacted to read:

876 790.065 Sale and delivery of firearms.—

877 (2) Upon receipt of a request for a criminal history record
878 check, the Department of Law Enforcement shall, during the
879 licensee's call or by return call, forthwith:

880 (c)1. Review any records available to it to determine
881 whether the potential buyer or transferee has been indicted or
882 has had an information filed against her or him for an offense
883 that is a felony under either state or federal law, or, as
884 mandated by federal law, has had an injunction for protection
885 against domestic violence entered against the potential buyer or
886 transferee under s. 741.30, has had an injunction for protection
887 against repeat violence entered against the potential buyer or
888 transferee under s. 784.046, or has been arrested for a
889 dangerous crime as specified in s. 907.041(5) (a) or for any of
890 the following enumerated offenses:

- 891 a. Criminal anarchy under ss. 876.01 and 876.02.
892 b. Extortion under s. 836.05.
893 c. Explosives violations under s. 552.22(1) and (2).
894 d. Controlled substances violations under chapter 893.
895 e. Resisting an officer with violence under s. 843.01.
896 f. Weapons and firearms violations under this chapter.
897 g. Treason under s. 876.32.
898 h. Assisting self-murder under s. 782.08.
899 i. Sabotage under s. 876.38.

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900 j. Stalking or aggravated stalking under s. 784.048.

901

902 If the review indicates any such indictment, information, or
903 arrest, the department shall provide to the licensee a
904 conditional nonapproval number.

905 2. Within 24 working hours, the department shall determine
906 the disposition of the indictment, information, or arrest and
907 inform the licensee as to whether the potential buyer is
908 prohibited from receiving or possessing a firearm. For purposes
909 of this paragraph, "working hours" means the hours from 8 a.m.
910 to 5 p.m. Monday through Friday, excluding legal holidays.

911 3. The office of the clerk of court, at no charge to the
912 department, shall respond to any department request for data on
913 the disposition of the indictment, information, or arrest as
914 soon as possible, but in no event later than 8 working hours.

915 4. The department shall determine as quickly as possible
916 within the allotted time period whether the potential buyer is
917 prohibited from receiving or possessing a firearm.

918 5. If the potential buyer is not so prohibited, or if the
919 department cannot determine the disposition information within
920 the allotted time period, the department shall provide the
921 licensee with a conditional approval number.

922 6. If the buyer is so prohibited, the conditional
923 nonapproval number shall become a nonapproval number.

924 7. The department shall continue its attempts to obtain the
925 disposition information and may retain a record of all approval
926 numbers granted without sufficient disposition information. If
927 the department later obtains disposition information which
928 indicates:

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929 a. That the potential buyer is not prohibited from owning a
930 firearm, it shall treat the record of the transaction in
931 accordance with this section; or

932 b. That the potential buyer is prohibited from owning a
933 firearm, it shall immediately revoke the conditional approval
934 number and notify local law enforcement.

935 8. During the time that disposition of the indictment,
936 information, or arrest is pending and until the department is
937 notified by the potential buyer that there has been a final
938 disposition of the indictment, information, or arrest, the
939 conditional nonapproval number shall remain in effect.

940 Section 18. For the purpose of incorporating the amendments
941 made by this act to sections 741.30 and 784.046, Florida
942 Statutes, in references thereto, subsections (6), (7), and (13)
943 of section 901.15, Florida Statutes, are reenacted to read:

944 901.15 When arrest by officer without warrant is lawful.—A
945 law enforcement officer may arrest a person without a warrant
946 when:

947 (6) There is probable cause to believe that the person has
948 committed a criminal act according to s. 790.233 or according to
949 s. 741.31, s. 784.047, or s. 825.1036 which violates an
950 injunction for protection entered pursuant to s. 741.30, s.
951 784.046, or s. 825.1035 or a foreign protection order accorded
952 full faith and credit pursuant to s. 741.315, over the objection
953 of the petitioner, if necessary.

954 (7) There is probable cause to believe that the person has
955 committed an act of domestic violence, as defined in s. 741.28,
956 or dating violence, as provided in s. 784.046. The decision to
957 arrest shall not require consent of the victim or consideration

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958 of the relationship of the parties. It is the public policy of
959 this state to strongly discourage arrest and charges of both
960 parties for domestic violence or dating violence on each other
961 and to encourage training of law enforcement and prosecutors in
962 these areas. A law enforcement officer who acts in good faith
963 and exercises due care in making an arrest under this
964 subsection, under s. 741.31(4) or s. 784.047, or pursuant to a
965 foreign order of protection accorded full faith and credit
966 pursuant to s. 741.315, is immune from civil liability that
967 otherwise might result by reason of his or her action.

968 (13) There is probable cause to believe that the person has
969 committed an act that violates a condition of pretrial release
970 provided in s. 903.047 when the original arrest was for an act
971 of domestic violence as defined in s. 741.28, or when the
972 original arrest was for an act of dating violence as defined in
973 s. 784.046.

974 Section 19. For the purpose of incorporating the amendments
975 made by this act to sections 741.30 and 784.046, Florida
976 Statutes, in references thereto, paragraph (p) of subsection (6)
977 of section 921.141, Florida Statutes, is reenacted to read:

978 921.141 Sentence of death or life imprisonment for capital
979 felonies; further proceedings to determine sentence.-

980 (6) AGGRAVATING FACTORS.-Aggravating factors shall be
981 limited to the following:

982 (p) The capital felony was committed by a person subject to
983 an injunction issued pursuant to s. 741.30 or s. 784.046, or a
984 foreign protection order accorded full faith and credit pursuant
985 to s. 741.315, and was committed against the petitioner who
986 obtained the injunction or protection order or any spouse,

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987 child, sibling, or parent of the petitioner.

988 Section 20. For the purpose of incorporating the amendments
989 made by this act to sections 741.30 and 784.046, Florida
990 Statutes, in references thereto, paragraph (j) of subsection (7)
991 of section 921.1425, Florida Statutes, is reenacted to read:

992 921.1425 Sentence of death or life imprisonment for capital
993 sexual battery; further proceedings to determine sentence.—

994 (7) AGGRAVATING FACTORS.—Aggravating factors shall be
995 limited to the following:

996 (j) The capital felony was committed by a person subject to
997 an injunction issued pursuant to s. 741.30 or s. 784.046, or a
998 foreign protection order accorded full faith and credit pursuant
999 to s. 741.315, and was committed against the petitioner who
1000 obtained the injunction or protection order or any spouse,
1001 child, sibling, or parent of the petitioner.

1002 Section 21. For the purpose of incorporating the amendments
1003 made by this act to sections 741.30, 784.046, and 784.0485,
1004 Florida Statutes, in references thereto, paragraphs (a), (b),
1005 and (c) of subsection (8) of section 28.2221, Florida Statutes,
1006 are reenacted to read:

1007 28.2221 Electronic access to official records.—

1008 (8) (a) Each county recorder or clerk of the court must make
1009 the identity of each respondent against whom a final judgment
1010 for an injunction for the protection of a minor under s. 741.30,
1011 s. 784.046, or s. 784.0485 is entered, as well as the fact that
1012 a final judgment for an injunction for the protection of a minor
1013 under s. 741.30, s. 784.046, or s. 784.0485 has been entered
1014 against that respondent, publicly available on an Internet
1015 website for general public display, which may include the

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1016 Internet website required by this section, unless the respondent
1017 is a minor.

1018 (b) Any information specified in this subsection not made
1019 available by the county recorder or clerk of the court on a
1020 publicly available Internet website for general public display
1021 before July 1, 2021, must be made publicly available on an
1022 Internet website if the affected party identifies the
1023 information and requests that such information be added to a
1024 publicly available Internet website for general public display.
1025 Such request must be in writing and delivered by mail,
1026 facsimile, or electronic transmission or in person to the county
1027 recorder or clerk of the court. The request must specify the
1028 case number assigned to the final judgment for an injunction for
1029 the protection of a minor under s. 741.30, s. 784.046, or s.
1030 784.0485. A fee may not be charged for the addition of
1031 information pursuant to such request.

1032 (c) No later than 30 days after July 1, 2021, notice of the
1033 right of any affected party to request the addition of
1034 information to a publicly available Internet website pursuant to
1035 this subsection shall be conspicuously and clearly displayed by
1036 the county recorder or clerk of the court on the publicly
1037 available Internet website on which images or copies of the
1038 county's public records are placed and in the office of each
1039 county recorder or clerk of the court. Such notice must contain
1040 appropriate instructions for making the addition of information
1041 request in person, by mail, by facsimile, or by electronic
1042 transmission. The notice must state, in substantially similar
1043 form, that any person has a right to request that a county
1044 recorder or clerk of the court add information to a publicly

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1045 available Internet website if that information involves the
1046 identity of a respondent against whom a final judgment for an
1047 injunction for the protection of a minor under s. 741.30, s.
1048 784.046, or s. 784.0485 is entered, unless the respondent is a
1049 minor. Such request must be made in writing and delivered by
1050 mail, facsimile, or electronic transmission or in person to the
1051 county recorder or clerk of the court. The request must specify
1052 the case number assigned to the final judgment for an injunction
1053 for the protection of a minor under s. 741.30, s. 784.046, or s.
1054 784.0485. A fee may not be charged for the addition of a
1055 document pursuant to such request.

1056 Section 22. For the purpose of incorporating the amendments
1057 made by this act to sections 741.30, 784.046, and 784.0485,
1058 Florida Statutes, in references thereto, subsection (8) of
1059 section 57.105, Florida Statutes, is reenacted to read:

1060 57.105 Attorney's fee; sanctions for raising unsupported
1061 claims or defenses; exceptions; service of motions; damages for
1062 delay of litigation.—

1063 (8) Attorney fees may not be awarded under this section in
1064 proceedings for an injunction for protection pursuant to s.
1065 741.30, s. 784.046, or s. 784.0485, unless the court finds by
1066 clear and convincing evidence that the petitioner knowingly made
1067 a false statement or allegation in the petition or that the
1068 respondent knowingly made a false statement or allegation in an
1069 asserted defense, with regard to a material matter as defined in
1070 s. 837.011(3).

1071 Section 23. For the purpose of incorporating the amendments
1072 made by this act to sections 741.30, 784.046, and 784.0485,
1073 Florida Statutes, in references thereto, subsection (2) of

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1074 section 741.315, Florida Statutes, is reenacted to read:

1075 741.315 Recognition of foreign protection orders.—

1076 (2) Pursuant to 18 U.S.C. s. 2265, an injunction for
1077 protection against domestic violence issued by a court of a
1078 foreign state must be accorded full faith and credit by the
1079 courts of this state and enforced by a law enforcement agency as
1080 if it were the order of a Florida court issued under s. 741.30,
1081 s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487,
1082 and provided that the court had jurisdiction over the parties
1083 and the matter and that reasonable notice and opportunity to be
1084 heard was given to the person against whom the order is sought
1085 sufficient to protect that person's right to due process. Ex
1086 parte foreign injunctions for protection are not eligible for
1087 enforcement under this section unless notice and opportunity to
1088 be heard have been provided within the time required by the
1089 foreign state or tribal law, and in any event within a
1090 reasonable time after the order is issued, sufficient to protect
1091 the respondent's due process rights.

1092 Section 24. For the purpose of incorporating the amendments
1093 made by this act to sections 741.30, 784.046, and 784.0485,
1094 Florida Statutes, in references thereto, paragraph (e) of
1095 subsection (2) and paragraphs (c) and (e) of subsection (3) of
1096 section 790.401, Florida Statutes, are reenacted to read:

1097 790.401 Risk protection orders.—

1098 (2) PETITION FOR A RISK PROTECTION ORDER.—There is created
1099 an action known as a petition for a risk protection order.

1100 (e) A petition must:

1101 1. Allege that the respondent poses a significant danger of
1102 causing personal injury to himself or herself or others by

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1103 having a firearm or any ammunition in his or her custody or
1104 control or by purchasing, possessing, or receiving a firearm or
1105 any ammunition, and must be accompanied by an affidavit made
1106 under oath stating the specific statements, actions, or facts
1107 that give rise to a reasonable fear of significant dangerous
1108 acts by the respondent;

1109 2. Identify the quantities, types, and locations of all
1110 firearms and ammunition the petitioner believes to be in the
1111 respondent's current ownership, possession, custody, or control;
1112 and

1113 3. Identify whether there is a known existing protection
1114 order governing the respondent under s. 741.30, s. 784.046, or
1115 s. 784.0485 or under any other applicable statute.

1116 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

1117 (c) In determining whether grounds for a risk protection
1118 order exist, the court may consider any relevant evidence,
1119 including, but not limited to, any of the following:

1120 1. A recent act or threat of violence by the respondent
1121 against himself or herself or others, whether or not such
1122 violence or threat of violence involves a firearm.

1123 2. An act or threat of violence by the respondent within
1124 the past 12 months, including, but not limited to, acts or
1125 threats of violence by the respondent against himself or herself
1126 or others.

1127 3. Evidence of the respondent being seriously mentally ill
1128 or having recurring mental health issues.

1129 4. A violation by the respondent of a risk protection order
1130 or a no contact order issued under s. 741.30, s. 784.046, or s.
1131 784.0485.

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- 1132 5. A previous or existing risk protection order issued
1133 against the respondent.
- 1134 6. A violation of a previous or existing risk protection
1135 order issued against the respondent.
- 1136 7. Whether the respondent, in this state or any other
1137 state, has been convicted of, had adjudication withheld on, or
1138 pled nolo contendere to a crime that constitutes domestic
1139 violence as defined in s. 741.28.
- 1140 8. Whether the respondent has used, or has threatened to
1141 use, against himself or herself or others any weapons.
- 1142 9. The unlawful or reckless use, display, or brandishing of
1143 a firearm by the respondent.
- 1144 10. The recurring use of, or threat to use, physical force
1145 by the respondent against another person or the respondent
1146 stalking another person.
- 1147 11. Whether the respondent, in this state or any other
1148 state, has been arrested for, convicted of, had adjudication
1149 withheld on, or pled nolo contendere to a crime involving
1150 violence or a threat of violence.
- 1151 12. Corroborated evidence of the abuse of controlled
1152 substances or alcohol by the respondent.
- 1153 13. Evidence of recent acquisition of firearms or
1154 ammunition by the respondent.
- 1155 14. Any relevant information from family and household
1156 members concerning the respondent.
- 1157 15. Witness testimony, taken while the witness is under
1158 oath, relating to the matter before the court.
- 1159 (e) In a hearing under this section, the rules of evidence
1160 apply to the same extent as in a domestic violence injunction

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1161 proceeding under s. 741.30.

1162 Section 25. For the purpose of incorporating the amendments
1163 made by this act to sections 741.30, 784.046, and 784.0485,
1164 Florida Statutes, in references thereto, paragraph (1) of
1165 subsection (2) of section 934.03, Florida Statutes, is reenacted
1166 to read:

1167 934.03 Interception and disclosure of wire, oral, or
1168 electronic communications prohibited.-

1169 (2)

1170 (1) It is lawful under this section and ss. 934.04-934.09
1171 for a person who is protected under an active temporary or final
1172 injunction for repeat violence, sexual violence, or dating
1173 violence under s. 784.046; stalking under s. 784.0485; domestic
1174 violence under s. 741.30; or any other court-imposed prohibition
1175 of conduct toward the person to intercept and record a wire,
1176 oral, or electronic communication received in violation of such
1177 injunction or court order. A recording authorized under this
1178 paragraph may be provided to a law enforcement agency, an
1179 attorney, or a court for the purpose of evidencing a violation
1180 of an injunction or court order if the subject of the injunction
1181 or court order prohibiting contact has been served the
1182 injunction or is on notice that the conduct is prohibited. A
1183 recording authorized under this paragraph may not be otherwise
1184 disseminated or shared.

1185 Section 26. For the purpose of incorporating the amendments
1186 made by this act to sections 741.30, 784.046, and 784.0485,
1187 Florida Statutes, in references thereto, subsection (3) of
1188 section 934.425, Florida Statutes, is reenacted to read:

1189 934.425 Installation of tracking devices or tracking

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1190 applications; exceptions; penalties.—

1191 (3) For purposes of this section, a person's consent is
1192 presumed to be revoked if:

1193 (a) The consenting person and the person to whom consent
1194 was given are lawfully married and one person files a petition
1195 for dissolution of marriage from the other; or

1196 (b) The consenting person or the person to whom consent was
1197 given files an injunction for protection against the other
1198 person pursuant to s. 741.30, s. 741.315, s. 784.046, or s.
1199 784.0485.

1200 Section 27. For the purpose of incorporating the amendment
1201 made by this act to section 784.046, Florida Statutes, in a
1202 reference thereto, subsection (1) of section 784.047, Florida
1203 Statutes, is reenacted to read:

1204 784.047 Penalties for violating protective injunction
1205 against violators.—

1206 (1) A person who willfully violates an injunction for
1207 protection against repeat violence, sexual violence, or dating
1208 violence, issued pursuant to s. 784.046, or a foreign protection
1209 order accorded full faith and credit pursuant to s. 741.315 by:

1210 (a) Refusing to vacate the dwelling that the parties share;

1211 (b) Going to, or being within 500 feet of, the petitioner's
1212 residence, school, place of employment, or a specified place
1213 frequented regularly by the petitioner and any named family or
1214 household member;

1215 (c) Committing an act of repeat violence, sexual violence,
1216 or dating violence against the petitioner;

1217 (d) Committing any other violation of the injunction
1218 through an intentional unlawful threat, word, or act to do

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1219 violence to the petitioner;

1220 (e) Telephoning, contacting, or otherwise communicating
1221 with the petitioner directly or indirectly, unless the
1222 injunction specifically allows indirect contact through a third
1223 party;

1224 (f) Knowingly and intentionally coming within 100 feet of
1225 the petitioner's motor vehicle, whether or not that vehicle is
1226 occupied;

1227 (g) Defacing or destroying the petitioner's personal
1228 property, including the petitioner's motor vehicle; or

1229 (h) Refusing to surrender firearms or ammunition if ordered
1230 to do so by the court,

1231
1232 commits a misdemeanor of the first degree, punishable as
1233 provided in s. 775.082 or s. 775.083, except as provided in
1234 subsection (2).

1235 Section 28. For the purpose of incorporating the amendment
1236 made by this act to section 784.0485, Florida Statutes, in a
1237 reference thereto, paragraph (a) of subsection (4) of section
1238 784.0487, Florida Statutes, is reenacted to read:

1239 784.0487 Violation of an injunction for protection against
1240 stalking or cyberstalking.—

1241 (4) (a) A person who willfully violates an injunction for
1242 protection against stalking or cyberstalking issued pursuant to
1243 s. 784.0485, or a foreign protection order accorded full faith
1244 and credit pursuant to s. 741.315, by:

1245 1. Going to, or being within 500 feet of, the petitioner's
1246 residence, school, place of employment, or a specified place
1247 frequented regularly by the petitioner and any named family

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1248 members or individuals closely associated with the petitioner;
1249 2. Committing an act of stalking against the petitioner;
1250 3. Committing any other violation of the injunction through
1251 an intentional unlawful threat, word, or act to do violence to
1252 the petitioner;
1253 4. Telephoning, contacting, or otherwise communicating with
1254 the petitioner, directly or indirectly, unless the injunction
1255 specifically allows indirect contact through a third party;
1256 5. Knowingly and intentionally coming within 100 feet of
1257 the petitioner's motor vehicle, whether or not that vehicle is
1258 occupied;
1259 6. Defacing or destroying the petitioner's personal
1260 property, including the petitioner's motor vehicle; or
1261 7. Refusing to surrender firearms or ammunition if ordered
1262 to do so by the court,
1263
1264 commits a misdemeanor of the first degree, punishable as
1265 provided in s. 775.082 or s. 775.083, except as provided in
1266 paragraph (b).
1267 Section 29. This act shall take effect July 1, 2024.