

1                   A bill to be entitled  
2           An act relating to injunctions for protection in cases  
3           of repeat or serious violence; amending s. 784.046,  
4           F.S.; replacing the term "repeat violence" with the  
5           term "repeat or serious violence"; defining the term  
6           "repeat or serious violence"; expanding the grounds  
7           for an existing cause of action for an injunction of  
8           protection to include serious violence in addition to  
9           repeat violence; revising the name of an existing  
10          cause of action to an injunction for protection in  
11          cases of repeat or serious violence, rather than in  
12          cases of repeat violence; conforming provisions to  
13          changes made by the act; amending ss. 44.407, 61.1825,  
14          119.0714, 394.4597, 394.4598, 741.2901, 741.30,  
15          741.313, 784.047, 784.048, 790.06, 790.065, 934.03,  
16          and 943.05, F.S.; conforming provisions to changes  
17          made by the act; reenacting ss. 28.2221(8)(a), (c),  
18          and (d), 61.1827(1), 741.311(2), 741.315(2),  
19          790.401(2)(e) and (3)(c), 901.15(6), 901.41(5),  
20          921.141(6)(p), 921.1425(7)(j), and 934.425(3), F.S.,  
21          relating to electronic access to official records,  
22          identifying information concerning applicants for and  
23          recipients of child support services, Hope Card  
24          Program for persons issued orders of protection,  
25          recognition of foreign protection orders, risk

26 protection orders, when arrest by a law enforcement  
 27 officer without a warrant is lawful, prearrest  
 28 diversion programs, aggravating factors relating to a  
 29 sentence of death or life imprisonment for capital  
 30 felonies, aggravating factors relating to a sentence  
 31 of death or life imprisonment for capital sexual  
 32 battery, and installation or use of tracking devices  
 33 or tracking applications, respectively, to incorporate  
 34 the amendment made to s. 784.046, F.S., in references  
 35 thereto; providing an effective date.

36

37 Be It Enacted by the Legislature of the State of Florida:

38

39 **Section 1. Section 784.046, Florida Statutes, is amended**  
 40 **to read:**

41 784.046 Action by victim of repeat or serious violence,  
 42 sexual violence, or dating violence for protective injunction;  
 43 dating violence investigations, notice to victims, and  
 44 reporting; pretrial release violations; public records  
 45 exemption.—

46 (1) As used in this section, the term:

47 (a) "Violence" means any assault, aggravated assault,  
 48 battery, aggravated battery, sexual assault, sexual battery,  
 49 stalking, aggravated stalking, kidnapping, or false  
 50 imprisonment, or any criminal offense resulting in physical

51 injury or death, by a person against any other person.

52 (b) "Repeat or serious violence" means:

53 1. Two incidents of violence or stalking committed by the  
54 respondent, one of which must have been within 6 months of the  
55 filing of the petition, which are directed against the  
56 petitioner or the petitioner's immediate family member;

57 2. One act committed by the respondent that causes bodily  
58 injury to the petitioner; or

59 3. A death threat committed by the respondent against the  
60 petitioner.

61 (c) "Sexual violence" means any one incident of:

62 1. Sexual battery, as defined in chapter 794;

63 2. A lewd or lascivious act, as defined in chapter 800,  
64 committed upon or in the presence of a person younger than 16  
65 years of age;

66 3. Luring or enticing a child, as described in chapter  
67 787;

68 4. Sexual performance by a child, as described in chapter  
69 827; or

70 5. Any other forcible felony wherein a sexual act is  
71 committed or attempted,

72  
73 regardless of whether criminal charges based on the incident  
74 were filed, reduced, or dismissed by the state attorney.

75 (d) "Dating violence" means violence between individuals

76 | who have or have had a continuing and significant relationship  
77 | of a romantic or intimate nature. The existence of such a  
78 | relationship must ~~shall~~ be determined based on ~~the~~ consideration  
79 | of the following factors:

80 |       1. A dating relationship must have existed within the past  
81 | 6 months;

82 |       2. The nature of the relationship must have been  
83 | characterized by the expectation of affection or sexual  
84 | involvement between the parties; and

85 |       3. The frequency and type of interaction between the  
86 | persons involved in the relationship must have included that the  
87 | persons have been involved over time and on a continuous basis  
88 | during the course of the relationship.

89 |  
90 | The term does not include violence in a casual acquaintanceship  
91 | or violence between individuals who only have engaged in  
92 | ordinary fraternization in a business or social context.

93 |       (2) There is created a cause of action for an injunction  
94 | for protection in cases of repeat or serious violence, there is  
95 | created a separate cause of action for an injunction for  
96 | protection in cases of dating violence, and there is created a  
97 | separate cause of action for an injunction for protection in  
98 | cases of sexual violence.

99 |       (a) Any person who is the victim of repeat or serious  
100 | violence or the parent or legal guardian of any minor child who

101 is living at home and who seeks an injunction for protection  
102 against repeat or serious violence on behalf of the minor child  
103 has standing in the circuit court to file a verified petition  
104 for an injunction for protection against repeat or serious  
105 violence.

106 (b) Any person who is the victim of dating violence and  
107 has reasonable cause to believe he or she is in imminent danger  
108 of becoming the victim of another act of dating violence, or any  
109 person who has reasonable cause to believe he or she is in  
110 imminent danger of becoming the victim of an act of dating  
111 violence, or the parent or legal guardian of any minor child who  
112 is living at home and who seeks an injunction for protection  
113 against dating violence on behalf of that minor child, has  
114 standing in the circuit court to file a verified petition for an  
115 injunction for protection against dating violence.

116 (c) A person who is the victim of sexual violence or the  
117 parent or legal guardian of a minor child who is living at home  
118 who is the victim of sexual violence has standing in the circuit  
119 court to file a verified petition for an injunction for  
120 protection against sexual violence on his or her own behalf or  
121 on behalf of the minor child if:

122 1. The person has reported the sexual violence to a law  
123 enforcement agency and is cooperating in any criminal proceeding  
124 against the respondent, regardless of whether criminal charges  
125 based on the sexual violence have been filed, reduced, or

126 dismissed by the state attorney; or

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

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

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

137       (3) (a) The clerk of the court shall provide a copy of this  
138 section, simplified forms, and clerical assistance for the  
139 preparation and filing of such a petition by any person who is  
140 not represented by counsel.

141       (b) Notwithstanding any other law, the clerk of the court  
142 may not assess a fee for filing a petition for protection  
143 against repeat or serious violence, sexual violence, or dating  
144 violence. However, subject to legislative appropriation, the  
145 clerk of the court may, each quarter, submit to the Office of  
146 the State Courts Administrator a certified request for  
147 reimbursement for petitions for protection issued by the court  
148 under this section at the rate of \$40 per petition. The request  
149 for reimbursement must ~~shall~~ be submitted in the form and manner  
150 prescribed by the Office of the State Courts Administrator. From

151 this reimbursement, the clerk shall pay the law enforcement  
152 agency serving the injunction the fee requested by the law  
153 enforcement agency; however, this fee may not exceed \$20.

154 (c) No bond is ~~shall be~~ required by the court for the  
155 entry of an injunction.

156 (d) The clerk of the court shall provide the petitioner  
157 with a certified copy of any injunction for protection against  
158 repeat or serious violence, sexual violence, or dating violence  
159 entered by the court.

160 (4) (a) The verified petition must ~~shall~~ allege the  
161 incidents of repeat or serious violence, sexual violence, or  
162 dating violence and must ~~shall~~ include the specific facts and  
163 circumstances that form the basis upon which relief is sought.  
164 With respect to a minor child who is living at home, the parent  
165 or legal guardian seeking the protective injunction on behalf of  
166 the minor child must:

167 1. Have been an eyewitness to, or have direct physical  
168 evidence or affidavits from eyewitnesses of, the specific facts  
169 and circumstances that form the basis upon which relief is  
170 sought, if the party against whom the protective injunction is  
171 sought is also a parent, stepparent, or legal guardian of the  
172 minor child; or

173 2. Have reasonable cause to believe that the minor child  
174 is a victim of repeat or serious violence, sexual violence, or  
175 dating violence to form the basis upon which relief is sought,

176 | if the party against whom the protective injunction is sought is  
177 | a person other than a parent, stepparent, or legal guardian of  
178 | the minor child.

179 | (b) The verified petition must be in substantially the  
180 | following form:

181 |                   PETITION FOR INJUNCTION FOR PROTECTION  
182 |           AGAINST REPEAT OR SERIOUS VIOLENCE, SEXUAL  
183 |                   VIOLENCE, OR DATING VIOLENCE

184 |           The undersigned petitioner ...(name)... declares under  
185 | penalties of perjury that the following statements are true:

186 |           1. Petitioner resides at ...(address)... (A petitioner for  
187 | an injunction for protection against sexual violence may furnish  
188 | an address to the court in a separate confidential filing if,  
189 | for safety reasons, the petitioner requires the location of his  
190 | or her current residence to be confidential pursuant to s.  
191 | 119.071(2)(j), Florida Statutes.)

192 |           2. Respondent resides at ...(address)....

193 |           3.a. Petitioner has suffered repeat or serious violence as  
194 | demonstrated by the fact that the respondent has: ...(enumerate  
195 | incidents of violence)...

196 | .....  
197 | .....  
198 | .....

199 |           b. Petitioner has suffered sexual violence as demonstrated  
200 | by the fact that the respondent has: ...(enumerate incident of



201 violence and include incident report number from law enforcement  
202 agency or attach notice of inmate release)...

203 .....  
204 .....  
205 .....

206 c. Petitioner is a victim of dating violence and has  
207 reasonable cause to believe that he or she is in imminent danger  
208 of becoming the victim of another act of dating violence or has  
209 reasonable cause to believe that he or she is in imminent danger  
210 of becoming a victim of dating violence, as demonstrated by the  
211 fact that the respondent has: ...(list the specific incident or  
212 incidents of violence and describe the length of time of the  
213 relationship, whether it has been in existence during the last 6  
214 months, the nature of the relationship of a romantic or intimate  
215 nature, the frequency and type of interaction, and any other  
216 facts that characterize the relationship)...

217 .....  
218 .....  
219 .....

220 4. Petitioner genuinely fears repeat or serious violence  
221 by the respondent.

222 5. Petitioner seeks: an immediate injunction against the  
223 respondent, enjoining him or her from committing any further  
224 acts of violence; an injunction enjoining the respondent from  
225 committing any further acts of violence; and an injunction

226 providing any terms the court deems necessary for the protection  
 227 of the petitioner and the petitioner's immediate family,  
 228 including any injunctions or directives to law enforcement  
 229 agencies.

230 (c) Every petition for an injunction against sexual  
 231 violence, dating violence, or repeat or serious violence must  
 232 contain, directly above the signature line, a statement in all  
 233 capital letters and bold type not smaller than the surrounding  
 234 text, as follows:

235  
 236 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ  
 237 THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
 238 ARE TRUE. I UNDERSTAND THAT THE STATEMENTS MADE IN  
 239 THIS PETITION ARE BEING MADE UNDER PENALTIES OF  
 240 PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525,  
 241 FLORIDA STATUTES.

242  
 243 ... (initials) ...  
 244

245 (5) Upon the filing of the petition, the court shall set a  
 246 hearing to be held at the earliest possible time. The respondent  
 247 must ~~shall~~ be personally served with a copy of the petition,  
 248 notice of hearing, and temporary injunction, if any, before  
 249 ~~prior to~~ the hearing.

250 (6) (a) When it appears to the court that an immediate and

251 present danger of violence exists, the court may grant a  
252 temporary injunction which may be granted in an ex parte  
253 hearing, pending a full hearing, and may grant such relief as  
254 the court deems proper, including an injunction enjoining the  
255 respondent from committing any acts of violence.

256 (b) Except as provided in s. 90.204, in a hearing ex parte  
257 for the purpose of obtaining such temporary injunction, no  
258 evidence other than the verified pleading or affidavit may ~~shall~~  
259 be used as evidence, unless the respondent appears at the  
260 hearing or has received reasonable notice of the hearing.

261 (c) Any such ex parte temporary injunction is ~~shall be~~  
262 effective for a fixed period not to exceed 15 days. However, an  
263 ex parte temporary injunction granted under subparagraph  
264 (2)(c)2. is effective for 15 days following the date the  
265 respondent is released from incarceration. A full hearing, as  
266 provided by this section, must ~~shall~~ be set for a date no later  
267 than the date when the temporary injunction ceases to be  
268 effective. The court may grant a continuance of the ex parte  
269 injunction and the full hearing before or during a hearing, for  
270 good cause shown by any party.

271 (7) Upon notice and hearing, the court may grant such  
272 relief as the court deems proper, including an injunction:

273 (a) Enjoining the respondent from committing any acts of  
274 violence.

275 (b) Ordering such other relief as the court deems

276 necessary for the protection of the petitioner, including  
277 injunctions or directives to law enforcement agencies, as  
278 provided in this section.

279 (c) The terms of the injunction shall remain in full force  
280 and effect until modified or dissolved. Either party may move at  
281 any time to modify or dissolve the injunction. Such relief may  
282 be granted in addition to other civil or criminal remedies.

283 (d) A temporary or final judgment on injunction for  
284 protection against repeat or serious violence, sexual violence,  
285 or dating violence entered pursuant to this section must ~~shall~~,  
286 on its face, indicate that:

287 1. The injunction is valid and enforceable in all counties  
288 of the State of Florida.

289 2. Law enforcement officers may use their arrest powers  
290 pursuant to s. 901.15(6) to enforce the terms of the injunction.

291 3. The court had jurisdiction over the parties and matter  
292 under the laws of Florida and that reasonable notice and  
293 opportunity to be heard was given to the person against whom the  
294 order is sought sufficient to protect that person's right to due  
295 process.

296 4. The date that the respondent was served with the  
297 temporary or final order, if obtainable.

298 (8)(a)1. Within 24 hours after the court issues an  
299 injunction for protection against repeat or serious violence,  
300 sexual violence, or dating violence, the clerk of the court

301 shall electronically transmit a copy of the petition, notice of  
302 hearing, and temporary injunction, if any, to the sheriff or a  
303 law enforcement agency of the county where the respondent  
304 resides or can be found, who shall serve it upon the respondent  
305 as soon thereafter as possible on any day of the week and at any  
306 time of the day or night. An electronic copy of an injunction  
307 must be certified by the clerk of the court, and the electronic  
308 copy must be served in the same manner as a certified copy. Upon  
309 receiving an electronic copy of the injunction, the sheriff must  
310 verify receipt with the sender before attempting to serve it  
311 upon the respondent. In addition, if the sheriff is in  
312 possession of an injunction for protection that has been  
313 certified by the clerk of the court, the sheriff may  
314 electronically transmit a copy of that injunction to a law  
315 enforcement officer who shall serve it in the same manner as a  
316 certified copy. The clerk of the court is responsible for  
317 furnishing to the sheriff such information on the respondent's  
318 physical description and location as is required by the  
319 department to comply with the verification procedures set forth  
320 in this section. Notwithstanding any other law to the contrary,  
321 the chief judge of each circuit, in consultation with the  
322 appropriate sheriff, may authorize a law enforcement agency  
323 within the chief judge's jurisdiction to effect this type of  
324 service and to receive a portion of the service fee. A person  
325 may not serve or execute an injunction issued under this section

326 unless the person is a law enforcement officer as defined in  
327 chapter 943.

328 2. When an injunction is issued, if the petitioner  
329 requests the assistance of a law enforcement agency, the court  
330 may order that an officer from the appropriate law enforcement  
331 agency accompany the petitioner and assist in the execution or  
332 service of the injunction. A law enforcement officer must accept  
333 a copy of an injunction for protection against repeat or serious  
334 violence, sexual violence, or dating violence, certified by the  
335 clerk of the court, from the petitioner and immediately serve it  
336 upon a respondent who has been located but not yet served.

337 (b) A Domestic, Dating, Sexual, and Repeat or Serious  
338 Violence Injunction Statewide Verification System is created  
339 within the Department of Law Enforcement. The department shall  
340 establish, implement, and maintain a statewide communication  
341 system capable of electronically transmitting information to and  
342 between criminal justice agencies relating to domestic violence  
343 injunctions, dating violence injunctions, sexual violence  
344 injunctions, and repeat or serious violence injunctions issued  
345 by the courts throughout the state. Such information must  
346 include, but is not limited to, information as to the existence  
347 and status of any injunction for verification purposes.

348 (c)1. Within 24 hours after the court issues an injunction  
349 for protection against repeat or serious violence, sexual  
350 violence, or dating violence or changes or vacates an injunction

351 for protection against repeat or serious violence, sexual  
352 violence, or dating violence, the clerk of the court must  
353 electronically transmit a copy of the injunction to the sheriff  
354 with jurisdiction over the residence of the petitioner.

355 2. Within 24 hours after service of process of an  
356 injunction for protection against repeat or serious violence,  
357 sexual violence, or dating violence upon a respondent, the law  
358 enforcement officer must electronically transmit the written  
359 proof of service of process to the sheriff with jurisdiction  
360 over the residence of the petitioner.

361 3. Within 24 hours after the sheriff receives a certified  
362 copy of the injunction for protection against repeat or serious  
363 violence, sexual violence, or dating violence, the sheriff must  
364 make information relating to the injunction available to other  
365 law enforcement agencies by electronically transmitting such  
366 information to the department.

367 4. Within 24 hours after the sheriff or other law  
368 enforcement officer has made service upon the respondent and the  
369 sheriff has been so notified, the sheriff must make information  
370 relating to the service available to other law enforcement  
371 agencies by electronically transmitting such information to the  
372 department.

373 5. Subject to available funding, the Florida Association  
374 of Court Clerks and Comptrollers shall develop an automated  
375 process by which a petitioner may request notification of

376 service of the injunction for protection against repeat or  
377 serious violence, sexual violence, or dating violence and other  
378 court actions related to the injunction for protection. The  
379 automated notice must be made within 12 hours after the sheriff  
380 or other law enforcement officer serves the injunction upon the  
381 respondent. The notification must include, at a minimum, the  
382 date, time, and location where the injunction for protection  
383 against repeat or serious violence, sexual violence, or dating  
384 violence was served. The Florida Association of Court Clerks and  
385 Comptrollers may apply for any available grants to fund the  
386 development of the automated process.

387 6. Within 24 hours after an injunction for protection  
388 against repeat or serious violence, sexual violence, or dating  
389 violence is lifted, terminated, or otherwise rendered no longer  
390 effective by ruling of the court, the clerk of the court must  
391 notify the sheriff or local law enforcement agency receiving  
392 original notification of the injunction as provided in  
393 subparagraph 2. That agency shall, within 24 hours after  
394 receiving such notification from the clerk of the court, notify  
395 the department of such action of the court.

396 (d) The petitioner may request a Hope Card under s.  
397 741.311 after the court has issued a final order of protection.

398 (9) (a) The court shall enforce, through a civil or  
399 criminal contempt proceeding, a violation of an injunction for  
400 protection. The court may enforce the respondent's compliance



401 with the injunction by imposing a monetary assessment. The clerk  
402 of the court shall collect and receive such assessments. On a  
403 monthly basis, the clerk shall transfer the moneys collected  
404 pursuant to this paragraph to the State Treasury for deposit in  
405 the Crimes Compensation Trust Fund established in s. 960.21.

406 (b) If the respondent is arrested by a law enforcement  
407 officer under s. 901.15(6) for committing an act of repeat or  
408 serious violence, sexual violence, or dating violence in  
409 violation of an injunction for protection, the respondent must  
410 ~~shall~~ be held in custody until brought before the court as  
411 expeditiously as possible for the purpose of enforcing the  
412 injunction and for admittance to bail in accordance with chapter  
413 903 and the applicable rules of criminal procedure, pending a  
414 hearing.

415 (10) The petitioner or the respondent may move the court  
416 to modify or dissolve an injunction at any time.

417 (11) Any law enforcement officer who investigates an  
418 alleged incident of dating violence shall assist the victim to  
419 obtain medical treatment if such is required as a result of the  
420 alleged incident to which the officer responds. Any law  
421 enforcement officer who investigates an alleged incident of  
422 dating violence shall advise the victim of such violence that  
423 there is a domestic violence center from which the victim may  
424 receive services. The law enforcement officer shall give the  
425 victim immediate notice of the legal rights and remedies

426 available on a standard form developed and distributed by the  
427 Department of Law Enforcement. As necessary, the Department of  
428 Law Enforcement shall revise the Legal Rights and Remedies  
429 Notice to Victims to include a general summary of this section,  
430 using simple English as well as Spanish, and shall distribute  
431 the notice as a model form to be used by all law enforcement  
432 agencies throughout this ~~the~~ state. The notice must ~~shall~~  
433 include:

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

437 (b) A copy of the following statement: "IF YOU ARE THE  
438 VICTIM OF DATING VIOLENCE, you may ask the state attorney to  
439 file a criminal complaint. You also have the right to go to  
440 court and file a petition requesting an injunction for  
441 protection from dating violence which may include, but need not  
442 be limited to, provisions that restrain the abuser from further  
443 acts of abuse; direct the abuser to leave your household; and  
444 prevent the abuser from entering your residence, school,  
445 business, or place of employment."

446 (12) When a law enforcement officer investigates an  
447 allegation that an incident of dating violence has occurred, the  
448 officer shall handle the incident pursuant to the arrest policy  
449 provided in s. 901.15(7), and as developed in accordance with  
450 subsections (13), (14), and (16). Whether or not an arrest is

451 made, the officer shall make a written police report that is  
452 complete and clearly indicates that the alleged offense was an  
453 incident of dating violence. Such report must ~~shall~~ be given to  
454 the officer's supervisor and filed with the law enforcement  
455 agency in a manner that will permit data on dating violence  
456 cases to be compiled. Such report must include:

457 (a) A description of physical injuries observed, if any.

458 (b) If a law enforcement officer decides not to make an  
459 arrest or decides to arrest two or more parties, the grounds for  
460 not arresting anyone or for arresting two or more parties.

461 (c) A statement which indicates that a copy of the legal  
462 rights and remedies notice was given to the victim.

463

464 Whenever possible, the law enforcement officer shall obtain a  
465 written statement from the victim and witnesses concerning the  
466 alleged dating violence. The officer shall submit the report to  
467 the supervisor or other person to whom the employer's rules or  
468 policies require reports of similar allegations of criminal  
469 activity to be made. The law enforcement agency shall, without  
470 charge, send a copy of the initial police report, as well as any  
471 subsequent, supplemental, or related report, which excludes  
472 victim or witness statements or other materials that are part of  
473 an active criminal investigation and are exempt from disclosure  
474 under chapter 119, to the nearest locally certified domestic  
475 violence center within 24 hours after the agency's receipt of

476 the report. The report furnished to the domestic violence center  
477 must include a narrative description of the dating violence  
478 incident.

479 (13) Whenever a law enforcement officer determines upon  
480 probable cause that an act of dating violence has been committed  
481 within the jurisdiction, or that a person has violated a  
482 condition of pretrial release as provided in s. 903.047 and the  
483 original arrest was for an act of dating violence, the officer  
484 may arrest the person or persons suspected of its commission and  
485 charge such person or persons with the appropriate crime. The  
486 decision to arrest and charge does ~~shall~~ not require consent of  
487 the victim or consideration of the relationship of the parties.

488 (14) (a) When complaints are received from two or more  
489 parties, the officers shall evaluate each complaint separately  
490 to determine whether there is probable cause for arrest.

491 (b) If a law enforcement officer has probable cause to  
492 believe that two or more persons have committed a misdemeanor or  
493 felony, or if two or more persons make complaints to the  
494 officer, the officer must ~~shall~~ try to determine who was the  
495 primary aggressor. Arrest is the preferred response only with  
496 respect to the primary aggressor and not the preferred response  
497 with respect to a person who acts in a reasonable manner to  
498 protect or defend himself or herself or another family or  
499 household member from dating violence.

500 (15) A person who willfully violates a condition of

501 pretrial release provided in s. 903.047, when the original  
502 arrest was for an act of dating violence as defined in this  
503 section, commits a misdemeanor of the first degree, punishable  
504 as provided in s. 775.082 or s. 775.083, and shall be held in  
505 custody until his or her first appearance.

506 (16) A law enforcement officer acting in good faith under  
507 this section and the officer's employing agency shall be immune  
508 from all liability, civil or criminal, that might otherwise be  
509 incurred or imposed by reason of the officer's or agency's  
510 actions in carrying out the provisions of this section.

511 **Section 2. Paragraph (a) of subsection (5) of section**  
512 **44.407, Florida Statutes, is amended to read:**

513 44.407 Elder-focused dispute resolution process.—

514 (5) QUALIFICATIONS FOR ELDERCARING COORDINATORS.—

515 (a) The court shall appoint qualified eldercaring  
516 coordinators who:

517 1. Meet one of the following professional requirements:

518 a. Are licensed as a mental health professional under  
519 chapter 491 and hold at least a master's degree in the  
520 professional field of practice;

521 b. Are licensed as a psychologist under chapter 490;

522 c. Are licensed as a physician under chapter 458 or  
523 chapter 459;

524 d. Are licensed as a nurse under chapter 464 and hold at  
525 least a master's degree;

526 e. Are certified by the Florida Supreme Court as a family  
 527 mediator and hold at least a master's degree;  
 528 f. Are a member in good standing of The Florida Bar; or  
 529 g. Are a professional guardian as defined in s.  
 530 744.102(17) and hold at least a master's degree.  
 531 2. Have completed all of the following:  
 532 a. Three years of postlicensure or postcertification  
 533 practice;  
 534 b. A family mediation training program certified by the  
 535 Florida Supreme Court; and  
 536 c. An eldercaring coordinator training program certified  
 537 by the Florida Supreme Court. The training must total at least  
 538 44 hours and must include advanced tactics for dispute  
 539 resolution of issues related to aging, illness, incapacity, or  
 540 other vulnerabilities associated with elders, as well as elder,  
 541 guardianship, and incapacity law and procedures and less  
 542 restrictive alternatives to guardianship; phases of eldercaring  
 543 coordination and the role and functions of an eldercaring  
 544 coordinator; the elder's role within eldercaring coordination;  
 545 family dynamics related to eldercaring coordination; eldercaring  
 546 coordination skills and techniques; multicultural competence and  
 547 its use in eldercaring coordination; at least 6 hours of the  
 548 implications of elder abuse, neglect, and exploitation and other  
 549 safety issues pertinent to the training; at least 4 hours of  
 550 ethical considerations pertaining to the training; use of

551 technology within eldercaring coordination; and court-specific  
552 eldercaring coordination procedures. Pending certification of a  
553 training program by the Florida Supreme Court, the eldercaring  
554 coordinator must document completion of training that satisfies  
555 the hours and the elements prescribed in this sub-subparagraph.

556 3. Have successfully passed a Level 2 background screening  
557 as provided in s. 435.04(2) and (3) or are exempt from  
558 disqualification under s. 435.07. The prospective eldercaring  
559 coordinator must submit a full set of fingerprints to the court  
560 or to a vendor, entity, or agency authorized by s. 943.053(13).  
561 The court, vendor, entity, or agency shall forward the  
562 fingerprints to the Department of Law Enforcement for state  
563 processing, and the Department of Law Enforcement shall forward  
564 the fingerprints to the Federal Bureau of Investigation for  
565 national processing. The prospective eldercaring coordinator  
566 shall pay the fees for state and federal fingerprint processing.  
567 The state cost for fingerprint processing shall be as provided  
568 in s. 943.053(3)(e) for records provided to persons or entities  
569 other than those specified as exceptions therein.

570 4. Have not been a respondent in a final order granting an  
571 injunction for protection against domestic, dating, sexual, or  
572 repeat or serious violence or stalking or exploitation of an  
573 elder or a disabled person.

574 5. Have met any additional qualifications the court may  
575 require to address issues specific to the parties.

576           **Section 3. Paragraph (a) of subsection (3) of section**  
577 **61.1825, Florida Statutes, is amended to read:**

578           61.1825 State Case Registry.—

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

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

586           2. A temporary or final injunction for protection against  
587 domestic violence has been granted pursuant to s. 741.30(6), an  
588 injunction for protection against domestic violence has been  
589 issued by a court of a foreign state pursuant to s. 741.315, or  
590 a temporary or final injunction for protection against repeat or  
591 serious violence has been granted pursuant to s. 784.046; or

592           3. The department has received information on a Title IV-D  
593 case from the Domestic, Dating, Sexual, and Repeat or Serious  
594 Violence Injunction Statewide Verification System, established  
595 pursuant to s. 784.046(8) (b), that a court has granted a party a  
596 domestic violence or repeat or serious violence injunction.

597           **Section 4. Paragraph (k) of subsection (1) of section**  
598 **119.0714, Florida Statutes, is amended to read:**

599           119.0714 Court files; court records; official records.—

600           (1) COURT FILES.—Nothing in this chapter shall be



601 construed to exempt from s. 119.07(1) a public record that was  
602 made a part of a court file and that is not specifically closed  
603 by order of court, except:

604 (k)1. A petition, and the contents thereof, for an  
605 injunction for protection against domestic violence, repeat or  
606 serious violence, dating violence, sexual violence, stalking, or  
607 cyberstalking that is dismissed without a hearing, dismissed at  
608 an ex parte hearing due to failure to state a claim or lack of  
609 jurisdiction, or dismissed for any reason having to do with the  
610 sufficiency of the petition itself without an injunction being  
611 issued on or after July 1, 2017, is exempt from s. 119.07(1) and  
612 s. 24(a), Art. I of the State Constitution.

613 2. A petition, and the contents thereof, for an injunction  
614 for protection against domestic violence, repeat or serious  
615 violence, dating violence, sexual violence, stalking, or  
616 cyberstalking that is dismissed without a hearing, dismissed at  
617 an ex parte hearing due to failure to state a claim or lack of  
618 jurisdiction, or dismissed for any reason having to do with the  
619 sufficiency of the petition itself without an injunction being  
620 issued before July 1, 2017, is exempt from s. 119.07(1) and s.  
621 24(a), Art. I of the State Constitution only upon request by an  
622 individual named in the petition as a respondent. The request  
623 must be in the form of a signed, legibly written request  
624 specifying the case name, case number, document heading, and  
625 page number. The request must be delivered by mail, facsimile,

626 or electronic transmission or in person to the clerk of the  
627 court. A fee may not be charged for such request.

628 3. Any information that can be used to identify a  
629 petitioner or respondent in a petition for an injunction against  
630 domestic violence, repeat or serious violence, dating violence,  
631 sexual violence, stalking, or cyberstalking, and any affidavits,  
632 notice of hearing, and temporary injunction, is confidential and  
633 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
634 Constitution until the respondent has been personally served  
635 with a copy of the petition for injunction, affidavits, notice  
636 of hearing, and temporary injunction.

637 **Section 5. Paragraph (e) of subsection (2) of section**  
638 **394.4597, Florida Statutes, is amended to read:**

639 394.4597 Persons to be notified; patient's  
640 representative.—

641 (2) INVOLUNTARY PATIENTS.—

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

644 1. A professional providing clinical services to the  
645 patient under this part.

646 2. The licensed professional who initiated the involuntary  
647 examination of the patient, if the examination was initiated by  
648 professional certificate.

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

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

653 5. A person providing any substantial professional  
654 services to the patient, including clinical services.

655 6. A creditor of the patient.

656 7. A person subject to an injunction for protection  
657 against domestic violence under s. 741.30, whether the order of  
658 injunction is temporary or final, and for which the patient was  
659 the petitioner.

660 8. A person subject to an injunction for protection  
661 against repeat or serious violence, stalking, sexual violence,  
662 or dating violence under s. 784.046, whether the order of  
663 injunction is temporary or final, and for which the patient was  
664 the petitioner.

665 **Section 6. Paragraph (h) of subsection (2) of section**  
666 **394.4598, Florida Statutes, is amended to read:**

667 394.4598 Guardian advocate.—

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

670 (h) A person subject to an injunction for protection  
671 against repeat or serious violence, stalking, sexual violence,  
672 or dating violence under s. 784.046, whether the order of  
673 injunction is temporary or final, and for which the patient was  
674 the petitioner.

675 **Section 7. Subsection (3) of section 741.2901, Florida**

676 **Statutes, is amended to read:**

677 741.2901 Domestic violence cases; prosecutors; legislative  
678 intent; investigation; duty of circuits; first appearance.—

679 (3) Prior to a defendant's first appearance in any charge  
680 of domestic violence as defined in s. 741.28, the State  
681 Attorney's Office shall perform a thorough investigation of the  
682 defendant's history, including, but not limited to: prior  
683 arrests for domestic violence, prior arrests for nondomestic  
684 charges, prior injunctions for protection against domestic and  
685 repeat or serious violence filed listing the defendant as  
686 respondent and noting history of other victims, and prior walk-  
687 in domestic complaints filed against the defendant. This  
688 information shall be presented at first appearance, when setting  
689 bond, and when passing sentence, for consideration by the court.  
690 When a defendant is arrested for an act of domestic violence,  
691 the defendant shall be held in custody until brought before the  
692 court for admittance to bail in accordance with chapter 903. In  
693 determining bail, the court shall consider the safety of the  
694 victim, the victim's children, and any other person who may be  
695 in danger if the defendant is released.

696 **Section 8. Paragraph (c) of subsection (2) and paragraph**  
697 **(b) of subsection (8) of section 741.30, Florida Statutes, are**  
698 **amended to read:**

699 741.30 Domestic violence; injunction; powers and duties of  
700 court and clerk; petition; notice and hearing; temporary

701 injunction; issuance of injunction; statewide verification  
702 system; enforcement; public records exemption.—

703 (2)

704 (c)1. The clerk of the court shall assist petitioners in  
705 seeking both injunctions for protection against domestic  
706 violence and enforcement for a violation thereof as specified in  
707 this section.

708 2. All clerks' offices shall provide simplified petition  
709 forms for the injunction, any modifications, and the enforcement  
710 thereof, including instructions for completion.

711 3. The clerk of the court shall advise petitioners of the  
712 opportunity to apply for a certificate of indigence in lieu of  
713 prepayment for the cost of the filing fee, as provided in  
714 paragraph (a).

715 4. The clerk of the court shall ensure the petitioner's  
716 privacy to the extent practical while completing the forms for  
717 injunctions for protection against domestic violence.

718 5. The clerk of the court shall provide petitioners with a  
719 minimum of two certified copies of the order of injunction, one  
720 of which is serviceable and will inform the petitioner of the  
721 process for service and enforcement.

722 6. Clerks of court and appropriate staff in each county  
723 shall receive training in the effective assistance of  
724 petitioners as provided or approved by the Florida Association  
725 of Court Clerks.

726           7. The clerk of the court in each county shall make  
727 available informational brochures on domestic violence when such  
728 brochures are provided by local certified domestic violence  
729 centers.

730           8. The clerk of the court in each county shall distribute  
731 a statewide uniform informational brochure to petitioners at the  
732 time of filing for an injunction for protection against domestic  
733 or repeat or serious violence when such brochures become  
734 available. The brochure must include information about the  
735 effect of giving the court false information about domestic  
736 violence.

737           (8)

738           (b) A Domestic and Repeat or Serious Violence Injunction  
739 Statewide Verification System is created within the Department  
740 of Law Enforcement. The department shall establish, implement,  
741 and maintain a statewide communication system capable of  
742 electronically transmitting information to and between criminal  
743 justice agencies relating to domestic violence injunctions and  
744 repeat or serious violence injunctions issued by the courts  
745 throughout the state. Such information must include, but is not  
746 limited to, information as to the existence and status of any  
747 injunction for verification purposes.

748           **Section 9. Paragraph (b) of subsection (2) of section**  
749 **741.313, Florida Statutes, is amended to read:**

750           741.313 Unlawful action against employees seeking

751 protection.—

752 (2)

753 (b) This section applies if an employee uses the leave  
754 from work to:

755 1. Seek an injunction for protection against domestic  
756 violence or an injunction for protection in cases of repeat or  
757 serious violence, dating violence, or sexual violence;

758 2. Obtain medical care or mental health counseling, or  
759 both, for the employee or a family or household member to  
760 address physical or psychological injuries resulting from the  
761 act of domestic violence or sexual violence;

762 3. Obtain services from a victim services organization,  
763 including, but not limited to, a domestic violence shelter or  
764 program or a rape crisis center as a result of the act of  
765 domestic violence or sexual violence;

766 4. Make the employee's home secure from the perpetrator of  
767 the domestic violence or sexual violence or to seek new housing  
768 to escape the perpetrator; or

769 5. Seek legal assistance in addressing issues arising from  
770 the act of domestic violence or sexual violence or to attend and  
771 prepare for court-related proceedings arising from the act of  
772 domestic violence or sexual violence.

773 **Section 10. Subsection (1) of section 784.047, Florida**  
774 **Statutes, is amended to read:**

775 784.047 Penalties for violating protective injunction

776 against violators.—

777 (1) A person who willfully violates an injunction for  
778 protection against repeat or serious violence, sexual violence,  
779 or dating violence, issued pursuant to s. 784.046, or a foreign  
780 protection order accorded full faith and credit pursuant to s.  
781 741.315 by:

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

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

788 (c) Committing an act of repeat or serious violence,  
789 sexual violence, or dating violence against the petitioner;

790 (d) Committing any other violation of the injunction  
791 through an intentional unlawful threat, word, or act to do  
792 violence to the petitioner;

793 (e) Telephoning, contacting, or otherwise communicating  
794 with the petitioner directly or indirectly, unless the  
795 injunction specifically allows indirect contact through a third  
796 party;

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

800 (g) Defacing or destroying the petitioner's personal



801 property, including the petitioner's motor vehicle; or

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

804  
805 commits a misdemeanor of the first degree, punishable as  
806 provided in s. 775.082 or s. 775.083, except as provided in  
807 subsection (2).

808 **Section 11. Subsection (4) of section 784.048, Florida**  
809 **Statutes, is amended to read:**

810 784.048 Stalking; definitions; penalties.—

811 (4) A person who, after an injunction for protection  
812 against repeat or serious violence, sexual violence, or dating  
813 violence pursuant to s. 784.046, or an injunction for protection  
814 against domestic violence pursuant to s. 741.30, or after any  
815 other court-imposed prohibition of conduct toward the subject  
816 person or that person's property, knowingly, willfully,  
817 maliciously, and repeatedly follows, harasses, or cyberstalks  
818 another person commits the offense of aggravated stalking, a  
819 felony of the third degree, punishable as provided in s.  
820 775.082, s. 775.083, or s. 775.084.

821 **Section 12. Subsections (2) and (3) of section 790.06,**  
822 **Florida Statutes, are amended to read:**

823 790.06 License to carry concealed weapon or concealed  
824 firearm.—

825 (2) The Department of Agriculture and Consumer Services

826 shall issue a license if the applicant:

827 (a) Is a resident of the United States and a citizen of  
 828 the United States or a permanent resident alien of the United  
 829 States, as determined by the United States Bureau of Citizenship  
 830 and Immigration Services, or is a consular security official of  
 831 a foreign government that maintains diplomatic relations and  
 832 treaties of commerce, friendship, and navigation with the United  
 833 States and is certified as such by the foreign government and by  
 834 the appropriate embassy in this country;

835 (b) Is 21 years of age or older;

836 (c) Does not suffer from a physical infirmity which  
 837 prevents the safe handling of a weapon or firearm;

838 (d) Is not ineligible to possess a firearm pursuant to s.  
 839 790.23 by virtue of having been convicted of a felony;

840 (e) Has not been:

841 1. Found guilty of a crime under the provisions of chapter  
 842 893 or similar laws of any other state relating to controlled  
 843 substances within a 3-year period immediately preceding the date  
 844 on which the application is submitted; or

845 2. Committed for the abuse of a controlled substance under  
 846 chapter 397 or under the provisions of former chapter 396 or  
 847 similar laws of any other state. An applicant who has been  
 848 granted relief from firearms disabilities pursuant to s.  
 849 790.065(2)(a)4.d. or pursuant to the law of the state in which  
 850 the commitment occurred is deemed not to be committed for the

851 | abuse of a controlled substance under this subparagraph;  
852 |       (f) Does not chronically and habitually use alcoholic  
853 | beverages or other substances to the extent that his or her  
854 | normal faculties are impaired. It shall be presumed that an  
855 | applicant chronically and habitually uses alcoholic beverages or  
856 | other substances to the extent that his or her normal faculties  
857 | are impaired if the applicant has been convicted under s.  
858 | 790.151 or has been deemed a habitual offender under s.  
859 | 856.011(3), or has had two or more convictions under s. 316.193  
860 | or similar laws of any other state, within the 3-year period  
861 | immediately preceding the date on which the application is  
862 | submitted;

863 |       (g) Desires a legal means to carry a concealed weapon or  
864 | concealed firearm for lawful self-defense;

865 |       (h) Demonstrates competence with a firearm by any one of  
866 | the following:

867 |           1. Completion of any hunter education or hunter safety  
868 | course approved by the Fish and Wildlife Conservation Commission  
869 | or a similar agency of another state;

870 |           2. Completion of any National Rifle Association firearms  
871 | safety or training course;

872 |           3. Completion of any firearms safety or training course or  
873 | class available to the general public offered by a law  
874 | enforcement agency, junior college, college, or private or  
875 | public institution or organization or firearms training school,

876 using instructors certified by the National Rifle Association,  
 877 Criminal Justice Standards and Training Commission, or the  
 878 Department of Agriculture and Consumer Services;

879 4. Completion of any law enforcement firearms safety or  
 880 training course or class offered for security guards,  
 881 investigators, special deputies, or any division or subdivision  
 882 of a law enforcement agency or security enforcement;

883 5. Presents evidence of equivalent experience with a  
 884 firearm through participation in organized shooting competition  
 885 or military service;

886 6. Is licensed or has been licensed to carry a concealed  
 887 weapon or concealed firearm in this state or a county or  
 888 municipality of this state, unless such license has been revoked  
 889 for cause; or

890 7. Completion of any firearms training or safety course or  
 891 class conducted by a state-certified or National Rifle  
 892 Association certified firearms instructor;

893  
 894 A photocopy of a certificate of completion of any of the courses  
 895 or classes; an affidavit from the instructor, school, club,  
 896 organization, or group that conducted or taught such course or  
 897 class attesting to the completion of the course or class by the  
 898 applicant; or a copy of any document that shows completion of  
 899 the course or class or evidences participation in firearms  
 900 competition shall constitute evidence of qualification under

901 | this paragraph. A person who conducts a course pursuant to  
902 | subparagraph 2., subparagraph 3., or subparagraph 7., or who, as  
903 | an instructor, attests to the completion of such courses, must  
904 | maintain records certifying that he or she observed the student  
905 | safely handle and discharge the firearm in his or her physical  
906 | presence and that the discharge of the firearm included live  
907 | fire using a firearm and ammunition as defined in s. 790.001;

908 |       (i) Has not been adjudicated an incapacitated person under  
909 | s. 744.331, or similar laws of any other state. An applicant who  
910 | has been granted relief from firearms disabilities pursuant to  
911 | s. 790.065(2)(a)4.d. or pursuant to the law of the state in  
912 | which the adjudication occurred is deemed not to have been  
913 | adjudicated an incapacitated person under this paragraph;

914 |       (j) Has not been committed to a mental institution under  
915 | chapter 394, or similar laws of any other state. An applicant  
916 | who has been granted relief from firearms disabilities pursuant  
917 | to s. 790.065(2)(a)4.d. or pursuant to the law of the state in  
918 | which the commitment occurred is deemed not to have been  
919 | committed in a mental institution under this paragraph;

920 |       (k) Has not had adjudication of guilt withheld or  
921 | imposition of sentence suspended on any felony unless 3 years  
922 | have elapsed since probation or any other conditions set by the  
923 | court have been fulfilled, or expunction has occurred;

924 |       (l) Has not had adjudication of guilt withheld or  
925 | imposition of sentence suspended on any misdemeanor crime of

926 domestic violence unless 3 years have elapsed since probation or  
927 any other conditions set by the court have been fulfilled, or  
928 the record has been expunged;

929 (m) Has not been issued an injunction that is currently in  
930 force and effect and that restrains the applicant from  
931 committing acts of domestic violence or acts of repeat or  
932 serious violence; and

933 (n) Is not prohibited from purchasing or possessing a  
934 firearm by any other provision of Florida or federal law.

935 (3) The Department of Agriculture and Consumer Services  
936 shall deny a license if the applicant has been found guilty of,  
937 had adjudication of guilt withheld for, or had imposition of  
938 sentence suspended for one or more crimes of violence  
939 constituting a misdemeanor, unless 3 years have elapsed since  
940 probation or any other conditions set by the court have been  
941 fulfilled or the record has been sealed or expunged. The  
942 Department of Agriculture and Consumer Services shall revoke a  
943 license if the licensee has been found guilty of, had  
944 adjudication of guilt withheld for, or had imposition of  
945 sentence suspended for one or more crimes of violence within the  
946 preceding 3 years. The department shall, upon notification by a  
947 law enforcement agency, a court, or the Florida Department of  
948 Law Enforcement and subsequent written verification, suspend a  
949 license or the processing of an application for a license if the  
950 licensee or applicant is arrested or formally charged with a

951 crime that would disqualify such person from having a license  
952 under this section, until final disposition of the case. The  
953 department shall suspend a license or the processing of an  
954 application for a license if the licensee or applicant is issued  
955 an injunction that restrains the licensee or applicant from  
956 committing acts of domestic violence or acts of repeat or  
957 serious violence.

958 **Section 13. Paragraph (c) of subsection (2) of section**  
959 **790.065, Florida Statutes, is amended to read:**

960 790.065 Sale and delivery of firearms.—

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

964 (c)1. Review any records available to it to determine  
965 whether the potential buyer or transferee has been indicted or  
966 has had an information filed against her or him for an offense  
967 that is a felony under either state or federal law, or, as  
968 mandated by federal law, has had an injunction for protection  
969 against domestic violence entered against the potential buyer or  
970 transferee under s. 741.30, has had an injunction for protection  
971 against repeat or serious violence entered against the potential  
972 buyer or transferee under s. 784.046, or has been arrested for a  
973 dangerous crime as specified in s. 907.041(5)(a) or for any of  
974 the following enumerated offenses:

975 a. Criminal anarchy under ss. 876.01 and 876.02.

- 976 b. Extortion under s. 836.05.
- 977 c. Explosives violations under s. 552.22(1) and (2).
- 978 d. Controlled substances violations under chapter 893.
- 979 e. Resisting an officer with violence under s. 843.01.
- 980 f. Weapons and firearms violations under this chapter.
- 981 g. Treason under s. 876.32.
- 982 h. Assisting self-murder under s. 782.08.
- 983 i. Sabotage under s. 876.38.
- 984 j. Stalking or aggravated stalking under s. 784.048.

985

986 If the review indicates any such indictment, information, or  
 987 arrest, the department must ~~shall~~ provide to the licensee a  
 988 conditional nonapproval number.

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

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

999 4. The department shall determine as quickly as possible  
 1000 within the allotted time period whether the potential buyer is



1001 prohibited from receiving or possessing a firearm.

1002 5. If the potential buyer is not so prohibited, or if the  
 1003 department cannot determine the disposition information within  
 1004 the allotted time period, the department must ~~shall~~ provide the  
 1005 licensee with a conditional approval number.

1006 6. If the buyer is so prohibited, the conditional  
 1007 nonapproval number must ~~shall~~ become a nonapproval number.

1008 7. The department shall continue its attempts to obtain  
 1009 the disposition information and may retain a record of all  
 1010 approval numbers granted without sufficient disposition  
 1011 information. If the department later obtains disposition  
 1012 information which indicates:

1013 a. That the potential buyer is not prohibited from owning  
 1014 a firearm, it must ~~shall~~ treat the record of the transaction in  
 1015 accordance with this section; or

1016 b. That the potential buyer is prohibited from owning a  
 1017 firearm, it must ~~shall~~ immediately revoke the conditional  
 1018 approval number and notify local law enforcement.

1019 8. During the time that disposition of the indictment,  
 1020 information, or arrest is pending and until the department is  
 1021 notified by the potential buyer that there has been a final  
 1022 disposition of the indictment, information, or arrest, the  
 1023 conditional nonapproval number must ~~shall~~ remain in effect.

1024 **Section 14. Paragraph (m) of subsection (2) of section**  
 1025 **934.03, Florida Statutes, is amended to read:**

1026 934.03 Interception and disclosure of wire, oral, or  
 1027 electronic communications prohibited.—

1028 (2)

1029 (m) It is lawful under this section and ss. 934.04–934.09  
 1030 for a person who is protected under an active temporary or final  
 1031 injunction for repeat or serious violence, sexual violence, or  
 1032 dating violence under s. 784.046; stalking under s. 784.0485;  
 1033 domestic violence under s. 741.30; or any other court-imposed  
 1034 prohibition of conduct toward the person to intercept and record  
 1035 a wire, oral, or electronic communication received in violation  
 1036 of such injunction or court order. A recording authorized under  
 1037 this paragraph may be provided to a law enforcement agency, an  
 1038 attorney, or a court for the purpose of evidencing a violation  
 1039 of an injunction or court order if the subject of the injunction  
 1040 or court order prohibiting contact has been served the  
 1041 injunction or is on notice that the conduct is prohibited. A  
 1042 recording authorized under this paragraph may not be otherwise  
 1043 disseminated or shared.

1044 **Section 15. Paragraph (e) of subsection (2) of section**  
 1045 **943.05, Florida Statutes, is amended to read:**

1046 943.05 Criminal Justice Information Program; duties; crime  
 1047 reports.—

1048 (2) The program shall:

1049 (e) Establish, implement, and maintain a Domestic and  
 1050 Repeat or Serious Violence Injunction Statewide Verification

1051 System capable of electronically transmitting information to and  
 1052 between criminal justice agencies relating to domestic violence  
 1053 injunctions, injunctions to prevent child abuse issued under  
 1054 chapter 39, and repeat or serious violence injunctions issued by  
 1055 the courts throughout the state. Such information must include,  
 1056 but is not limited to, information as to the existence and  
 1057 status of any such injunction for verification purposes.

1058 **Section 16.** For the purpose of incorporating the amendment  
 1059 made by this act to section 784.046, Florida Statutes, in  
 1060 references thereto, paragraphs (a), (c), and (d) of subsection  
 1061 (8) of section 28.2221, Florida Statutes, are reenacted to read:

1062 28.2221 Electronic access to official records.—

1063 (8) (a) Each county recorder or clerk of the court must  
 1064 make the identity of each respondent against whom a final  
 1065 judgment for an injunction for the protection of a minor under  
 1066 s. 741.30, s. 784.046, or s. 784.0485 is entered, as well as the  
 1067 fact that a final judgment for an injunction for the protection  
 1068 of a minor under s. 741.30, s. 784.046, or s. 784.0485 has been  
 1069 entered against that respondent, publicly available on the  
 1070 county recorder's or clerk of the court's official website,  
 1071 unless the respondent is a minor. The identity and information  
 1072 required under this subsection must be viewable through a  
 1073 searchable database that is available in a clear and conspicuous  
 1074 location on the homepage of the county recorder's or clerk of  
 1075 the court's official website and must be available for search by

1076 | the general public.

1077 |       (c) Any information specified in this subsection not made  
1078 | available by the county clerk of the court as provided in this  
1079 | subsection before July 1, 2024, must be made publicly available  
1080 | on the county recorder's or clerk of the court's official  
1081 | website if the affected party identifies the information and  
1082 | requests that such information be added for general public  
1083 | display. Such request must be in writing and delivered by mail,  
1084 | facsimile, or electronic transmission or in person to the county  
1085 | recorder or clerk of the court. The request must specify the  
1086 | case number assigned to the final judgment for an injunction for  
1087 | the protection of a minor under s. 741.30, s. 784.046, or s.  
1088 | 784.0485. A fee may not be charged for the addition of  
1089 | information pursuant to such request.

1090 |       (d) No later than 30 days after July 1, 2024, notice of  
1091 | the right of any affected party to request the addition of  
1092 | information to the searchable database on the county recorder's  
1093 | or clerk of the court's official website pursuant to this  
1094 | subsection must be conspicuously and clearly displayed by the  
1095 | county recorder or clerk of the court on the county recorder's  
1096 | or clerk of the court's official website on which images or  
1097 | copies of the county's public records are placed and in the  
1098 | office of each county recorder or clerk of the court. Such  
1099 | notice must contain appropriate instructions for making the  
1100 | addition of information request in person, by mail, by

1101 facsimile, or by electronic transmission. The notice must state,  
1102 in substantially similar form, that any person has a right to  
1103 request that a county recorder or clerk of the court add  
1104 information to the searchable database on the county recorder's  
1105 or clerk of the court's official website if that information  
1106 involves the identity of a respondent against whom a final  
1107 judgment for an injunction for the protection of a minor under  
1108 s. 741.30, s. 784.046, or s. 784.0485 is entered, unless the  
1109 respondent is a minor. The notice must also state that the  
1110 information related to the identity of each respondent against  
1111 whom a final judgment for an injunction for the protection of a  
1112 minor under s. 741.30, s. 784.046, or s. 784.0485 is entered is  
1113 available for search by the general public. The notice must  
1114 include step-by-step instructions detailing how a user can  
1115 access the searchable database and search for such information.  
1116 Such request must be made in writing and delivered by mail,  
1117 facsimile, or electronic transmission or in person to the county  
1118 recorder or clerk of the court. The request must specify the  
1119 case number assigned to the final judgment for an injunction for  
1120 the protection of a minor under s. 741.30, s. 784.046, or s.  
1121 784.0485. A fee may not be charged for the addition of a  
1122 document pursuant to such request.

1123 **Section 17.** For the purpose of incorporating the amendment  
1124 made by this act to section 784.046, Florida Statutes, in a  
1125 reference thereto, subsection (1) of section 61.1827, Florida

1126 Statutes, is reenacted to read:

1127       61.1827 Identifying information concerning applicants for  
1128 and recipients of child support services.—

1129       (1) Any information that reveals the identity of  
1130 applicants for or recipients of child support services,  
1131 including the name, address, and telephone number of such  
1132 persons, held by a non-Title IV-D county child support  
1133 enforcement agency is confidential and exempt from s. 119.07(1)  
1134 and s. 24(a), Art. I of the State Constitution. The use or  
1135 disclosure of such information by the non-Title IV-D county  
1136 child support enforcement agency is limited to the purposes  
1137 directly connected with:

1138       (a) Any investigation, prosecution, or criminal or civil  
1139 proceeding connected with the administration of any non-Title  
1140 IV-D county child support enforcement program;

1141       (b) Mandatory disclosure of identifying and location  
1142 information as provided in s. 61.13(7) by the non-Title IV-D  
1143 county child support enforcement agency when providing non-Title  
1144 IV-D services;

1145       (c) Mandatory disclosure of information as required by ss.  
1146 409.2577, 61.181, 61.1825, and 61.1826 and Title IV-D of the  
1147 Social Security Act; or

1148       (d) Disclosure to an authorized person, as defined in 45  
1149 C.F.R. s. 303.15, for purposes of enforcing any state or federal  
1150 law with respect to the unlawful taking or restraint of a child

1151 or making or enforcing a parenting plan. As used in this  
1152 paragraph, the term "authorized person" includes a parent with  
1153 whom the child does not currently reside, unless a court has  
1154 entered an order under s. 741.30, s. 741.31, or s. 784.046.

1155 **Section 18.** For the purpose of incorporating the amendment  
1156 made by this act to section 784.046, Florida Statutes, in a  
1157 reference thereto, subsection (2) of section 741.311, Florida  
1158 Statutes, is reenacted to read:

1159 741.311 Hope Card Program for persons issued orders of  
1160 protection.—

1161 (2) Beginning October 1, 2024, a person who has been  
1162 issued a final judgment on injunction for protection under s.  
1163 741.30, s. 784.046, s. 784.0485, or s. 825.1035 may request a  
1164 Hope Card from the clerk of the court of the circuit in which  
1165 the order for an injunction for protection was entered. A person  
1166 may request a Hope Card at the time the final judgment on  
1167 injunction for protection is issued or at any other time before  
1168 the expiration of the order for protection.

1169 **Section 19.** For the purpose of incorporating the amendment  
1170 made by this act to section 784.046, Florida Statutes, in a  
1171 reference thereto, subsection (2) of section 741.315, Florida  
1172 Statutes, is reenacted to read:

1173 741.315 Recognition of foreign protection orders.—

1174 (2) Pursuant to 18 U.S.C. s. 2265, an injunction for  
1175 protection against domestic violence issued by a court of a

1176 foreign state must be accorded full faith and credit by the  
1177 courts of this state and enforced by a law enforcement agency as  
1178 if it were the order of a Florida court issued under s. 741.30,  
1179 s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487,  
1180 and provided that the court had jurisdiction over the parties  
1181 and the matter and that reasonable notice and opportunity to be  
1182 heard was given to the person against whom the order is sought  
1183 sufficient to protect that person's right to due process. Ex  
1184 parte foreign injunctions for protection are not eligible for  
1185 enforcement under this section unless notice and opportunity to  
1186 be heard have been provided within the time required by the  
1187 foreign state or tribal law, and in any event within a  
1188 reasonable time after the order is issued, sufficient to protect  
1189 the respondent's due process rights.

1190 **Section 20.** For the purpose of incorporating the amendment  
1191 made by this act to section 784.046, Florida Statutes, in  
1192 references thereto, paragraph (e) of subsection (2) and  
1193 paragraph (c) of subsection (3) of section 790.401, Florida  
1194 Statutes, are reenacted to read:

1195 790.401 Risk protection orders.—

1196 (2) PETITION FOR A RISK PROTECTION ORDER.—There is created  
1197 an action known as a petition for a risk protection order.

1198 (e) A petition must:

1199 1. Allege that the respondent poses a significant danger  
1200 of causing personal injury to himself or herself or others by



1201 having a firearm or any ammunition in his or her custody or  
1202 control or by purchasing, possessing, or receiving a firearm or  
1203 any ammunition, and must be accompanied by an affidavit made  
1204 under oath stating the specific statements, actions, or facts  
1205 that give rise to a reasonable fear of significant dangerous  
1206 acts by the respondent;

1207 2. Identify the quantities, types, and locations of all  
1208 firearms and ammunition the petitioner believes to be in the  
1209 respondent's current ownership, possession, custody, or control;  
1210 and

1211 3. Identify whether there is a known existing protection  
1212 order governing the respondent under s. 741.30, s. 784.046, or  
1213 s. 784.0485 or under any other applicable statute.

1214 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

1215 (c) In determining whether grounds for a risk protection  
1216 order exist, the court may consider any relevant evidence,  
1217 including, but not limited to, any of the following:

1218 1. A recent act or threat of violence by the respondent  
1219 against himself or herself or others, whether or not such  
1220 violence or threat of violence involves a firearm.

1221 2. An act or threat of violence by the respondent within  
1222 the past 12 months, including, but not limited to, acts or  
1223 threats of violence by the respondent against himself or herself  
1224 or others.

1225 3. Evidence of the respondent being seriously mentally ill

1226 | or having recurring mental health issues.

1227 |       4. A violation by the respondent of a risk protection

1228 | order or a no contact order issued under s. 741.30, s. 784.046,

1229 | or s. 784.0485.

1230 |       5. A previous or existing risk protection order issued

1231 | against the respondent.

1232 |       6. A violation of a previous or existing risk protection

1233 | order issued against the respondent.

1234 |       7. Whether the respondent, in this state or any other

1235 | state, has been convicted of, had adjudication withheld on, or

1236 | pled nolo contendere to a crime that constitutes domestic

1237 | violence as defined in s. 741.28.

1238 |       8. Whether the respondent has used, or has threatened to

1239 | use, against himself or herself or others any weapons.

1240 |       9. The unlawful or reckless use, display, or brandishing

1241 | of a firearm by the respondent.

1242 |       10. The recurring use of, or threat to use, physical force

1243 | by the respondent against another person or the respondent

1244 | stalking another person.

1245 |       11. Whether the respondent, in this state or any other

1246 | state, has been arrested for, convicted of, had adjudication

1247 | withheld on, or pled nolo contendere to a crime involving

1248 | violence or a threat of violence.

1249 |       12. Corroborated evidence of the abuse of controlled

1250 | substances or alcohol by the respondent.

1251 13. Evidence of recent acquisition of firearms or  
 1252 ammunition by the respondent.

1253 14. Any relevant information from family and household  
 1254 members concerning the respondent.

1255 15. Witness testimony, taken while the witness is under  
 1256 oath, relating to the matter before the court.

1257 **Section 21.** For the purpose of incorporating the amendment  
 1258 made by this act to section 784.046, Florida Statutes, in a  
 1259 reference thereto, subsection (6) of section 901.15, Florida  
 1260 Statutes, is reenacted to read:

1261 901.15 When arrest by officer without warrant is lawful.—A  
 1262 law enforcement officer may arrest a person without a warrant  
 1263 when:

1264 (6) There is probable cause to believe that the person has  
 1265 committed a criminal act according to s. 790.233 or according to  
 1266 s. 741.31, s. 784.047, or s. 825.1036 which violates an  
 1267 injunction for protection entered pursuant to s. 741.30, s.  
 1268 784.046, or s. 825.1035 or a foreign protection order accorded  
 1269 full faith and credit pursuant to s. 741.315, over the objection  
 1270 of the petitioner, if necessary.

1271 **Section 22.** For the purpose of incorporating the amendment  
 1272 made by this act to section 784.046, Florida Statutes, in a  
 1273 reference thereto, subsection (5) of section 901.41, Florida  
 1274 Statutes, is reenacted to read:

1275 901.41 Prearrest diversion programs.—

1276 (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor  
1277 crime of domestic violence, as defined in s. 741.28, or a  
1278 misdemeanor under s. 741.29, s. 741.31, s. 784.046, s. 784.047,  
1279 s. 784.048, s. 784.0487, or s. 784.049 does not qualify for a  
1280 civil citation or prearrest diversion program.

1281 **Section 23.** For the purpose of incorporating the amendment  
1282 made by this act to section 784.046, Florida Statutes, in a  
1283 reference thereto, paragraph (p) of subsection (6) of section  
1284 921.141, Florida Statutes, is reenacted to read:

1285 921.141 Sentence of death or life imprisonment for capital  
1286 felonies; further proceedings to determine sentence.—

1287 (6) AGGRAVATING FACTORS.—Aggravating factors shall be  
1288 limited to the following:

1289 (p) The capital felony was committed by a person subject  
1290 to an injunction issued pursuant to s. 741.30 or s. 784.046, or  
1291 a foreign protection order accorded full faith and credit  
1292 pursuant to s. 741.315, and was committed against the petitioner  
1293 who obtained the injunction or protection order or any spouse,  
1294 child, sibling, or parent of the petitioner.

1295 **Section 24.** For the purpose of incorporating the amendment  
1296 made by this act to section 784.046, Florida Statutes, in a  
1297 reference thereto, paragraph (j) of subsection (7) of section  
1298 921.1425, Florida Statutes, is reenacted to read:

1299 921.1425 Sentence of death or life imprisonment for  
1300 capital sexual battery; further proceedings to determine

1301 sentence.—

1302 (7) AGGRAVATING FACTORS.—Aggravating factors shall be  
 1303 limited to the following:

1304 (j) The capital felony was committed by a person subject  
 1305 to an injunction issued pursuant to s. 741.30 or s. 784.046, or  
 1306 a foreign protection order accorded full faith and credit  
 1307 pursuant to s. 741.315, and was committed against the petitioner  
 1308 who obtained the injunction or protection order or any spouse,  
 1309 child, sibling, or parent of the petitioner.

1310 **Section 25.** For the purpose of incorporating the amendment  
 1311 made by this act to section 784.046, Florida Statutes, in a  
 1312 reference thereto, subsection (3) of section 934.425, Florida  
 1313 Statutes, is reenacted to read:

1314 934.425 Installation or use of tracking devices or  
 1315 tracking applications; exceptions; penalties.—

1316 (3) For purposes of this section, a person's consent is  
 1317 presumed to be revoked if:

1318 (a) The consenting person and the person to whom consent  
 1319 was given are lawfully married and one person files a petition  
 1320 for dissolution of marriage from the other; or

1321 (b) The consenting person or the person to whom consent  
 1322 was given files an injunction for protection against the other  
 1323 person pursuant to s. 741.30, s. 741.315, s. 784.046, or s.  
 1324 784.0485.

1325 **Section 26.** This act shall take effect July 1, 2025.