

By Senator Sharief

35-00488-25

2025308\_\_

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

35-00488-25

2025308\_\_

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 to  
40 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

35-00488-25

2025308\_\_

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 787;

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

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

71  
72 regardless of whether criminal charges based on the incident  
73 were filed, reduced, or dismissed by the state attorney.

74           (d) "Dating violence" means violence between individuals  
75 who have or have had a continuing and significant relationship  
76 of a romantic or intimate nature. The existence of such a  
77 relationship must ~~shall~~ be determined based on ~~the~~ consideration  
78 of the following factors:

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

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

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

35-00488-25

2025308\_\_

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

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

98 (a) Any person who is the victim of repeat or serious  
99 violence or the parent or legal guardian of any minor child who  
100 is living at home and who seeks an injunction for protection  
101 against repeat or serious violence on behalf of the minor child  
102 has standing in the circuit court to file a verified petition  
103 for an injunction for protection against repeat or serious  
104 violence.

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

115 (c) A person who is the victim of sexual violence or the  
116 parent or legal guardian of a minor child who is living at home

35-00488-25

2025308\_\_

117 who is the victim of sexual violence has standing in the circuit  
118 court to file a verified petition for an injunction for  
119 protection against sexual violence on his or her own behalf or  
120 on behalf of the minor child if:

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

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

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

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

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

140 (b) Notwithstanding any other law, the clerk of the court  
141 may not assess a fee for filing a petition for protection  
142 against repeat or serious violence, sexual violence, or dating  
143 violence. However, subject to legislative appropriation, the  
144 clerk of the court may, each quarter, submit to the Office of  
145 the State Courts Administrator a certified request for

35-00488-25

2025308\_\_

146 reimbursement for petitions for protection issued by the court  
147 under this section at the rate of \$40 per petition. The request  
148 for reimbursement must ~~shall~~ be submitted in the form and manner  
149 prescribed by the Office of the State Courts Administrator. From  
150 this reimbursement, the clerk shall pay the law enforcement  
151 agency serving the injunction the fee requested by the law  
152 enforcement agency; however, this fee may not exceed \$20.

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

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

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

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

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

35-00488-25

2025308\_\_

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

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

180  
 181 PETITION FOR INJUNCTION FOR PROTECTION  
 182 AGAINST REPEAT OR SERIOUS VIOLENCE, SEXUAL  
 183 VIOLENCE, OR DATING VIOLENCE  
 184

185 The undersigned petitioner ...(name)... declares under  
 186 penalties of perjury that the following statements are true:  
 187

188 1. Petitioner resides at ...(address)... (A petitioner for  
 189 an injunction for protection against sexual violence may furnish  
 190 an address to the court in a separate confidential filing if,  
 191 for safety reasons, the petitioner requires the location of his  
 192 or her current residence to be confidential pursuant to s.  
 193 119.071(2)(j), Florida Statutes.)

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

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

198

199

200

201

202

203 b. Petitioner has suffered sexual violence as demonstrated

35-00488-25

2025308\_\_

204 by the fact that the respondent has: ...(enumerate incident of  
205 violence and include incident report number from law enforcement  
206 agency or attach notice of inmate release)...

207

208

209

210

211

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

223

224

225

226

227

228 4. Petitioner genuinely fears repeat or serious violence by  
229 the respondent.

230 5. Petitioner seeks: an immediate injunction against the  
231 respondent, enjoining him or her from committing any further  
232 acts of violence; an injunction enjoining the respondent from



35-00488-25

2025308\_\_

233 committing any further acts of violence; and an injunction  
234 providing any terms the court deems necessary for the protection  
235 of the petitioner and the petitioner's immediate family,  
236 including any injunctions or directives to law enforcement  
237 agencies.

238

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

244

245 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ  
246 THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
247 ARE TRUE. I UNDERSTAND THAT THE STATEMENTS MADE IN  
248 THIS PETITION ARE BEING MADE UNDER PENALTIES OF  
249 PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525,  
250 FLORIDA STATUTES.

251

252 ... (initials) ...

253

254 (5) Upon the filing of the petition, the court shall set a  
255 hearing to be held at the earliest possible time. The respondent  
256 must ~~shall~~ be personally served with a copy of the petition,  
257 notice of hearing, and temporary injunction, if any, before  
258 ~~prior to~~ the hearing.

259

260 (6) (a) When it appears to the court that an immediate and  
261 present danger of violence exists, the court may grant a  
temporary injunction which may be granted in an ex parte

35-00488-25

2025308\_\_

262 hearing, pending a full hearing, and may grant such relief as  
263 the court deems proper, including an injunction enjoining the  
264 respondent from committing any acts of violence.

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

270 (c) Any such ex parte temporary injunction is ~~shall be~~  
271 effective for a fixed period not to exceed 15 days. However, an  
272 ex parte temporary injunction granted under subparagraph  
273 (2)(c)2. is effective for 15 days following the date the  
274 respondent is released from incarceration. A full hearing, as  
275 provided by this section, must ~~shall~~ be set for a date no later  
276 than the date when the temporary injunction ceases to be  
277 effective. The court may grant a continuance of the ex parte  
278 injunction and the full hearing before or during a hearing, for  
279 good cause shown by any party.

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

282 (a) Enjoining the respondent from committing any acts of  
283 violence.

284 (b) Ordering such other relief as the court deems necessary  
285 for the protection of the petitioner, including injunctions or  
286 directives to law enforcement agencies, as provided in this  
287 section.

288 (c) The terms of the injunction shall remain in full force  
289 and effect until modified or dissolved. Either party may move at  
290 any time to modify or dissolve the injunction. Such relief may

35-00488-25

2025308\_\_

291 be granted in addition to other civil or criminal remedies.

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

296 1. The injunction is valid and enforceable in all counties  
297 of the State of Florida.

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

300 3. The court had jurisdiction over the parties and matter  
301 under the laws of Florida and that reasonable notice and  
302 opportunity to be heard was given to the person against whom the  
303 order is sought sufficient to protect that person's right to due  
304 process.

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

307 (8)(a)1. Within 24 hours after the court issues an  
308 injunction for protection against repeat or serious violence,  
309 sexual violence, or dating violence, the clerk of the court  
310 shall electronically transmit a copy of the petition, notice of  
311 hearing, and temporary injunction, if any, to the sheriff or a  
312 law enforcement agency of the county where the respondent  
313 resides or can be found, who shall serve it upon the respondent  
314 as soon thereafter as possible on any day of the week and at any  
315 time of the day or night. An electronic copy of an injunction  
316 must be certified by the clerk of the court, and the electronic  
317 copy must be served in the same manner as a certified copy. Upon  
318 receiving an electronic copy of the injunction, the sheriff must  
319 verify receipt with the sender before attempting to serve it

35-00488-25

2025308\_\_

320 upon the respondent. In addition, if the sheriff is in  
321 possession of an injunction for protection that has been  
322 certified by the clerk of the court, the sheriff may  
323 electronically transmit a copy of that injunction to a law  
324 enforcement officer who shall serve it in the same manner as a  
325 certified copy. The clerk of the court is responsible for  
326 furnishing to the sheriff such information on the respondent's  
327 physical description and location as is required by the  
328 department to comply with the verification procedures set forth  
329 in this section. Notwithstanding any other law to the contrary,  
330 the chief judge of each circuit, in consultation with the  
331 appropriate sheriff, may authorize a law enforcement agency  
332 within the chief judge's jurisdiction to effect this type of  
333 service and to receive a portion of the service fee. A person  
334 may not serve or execute an injunction issued under this section  
335 unless the person is a law enforcement officer as defined in  
336 chapter 943.

337 2. When an injunction is issued, if the petitioner requests  
338 the assistance of a law enforcement agency, the court may order  
339 that an officer from the appropriate law enforcement agency  
340 accompany the petitioner and assist in the execution or service  
341 of the injunction. A law enforcement officer must accept a copy  
342 of an injunction for protection against repeat or serious  
343 violence, sexual violence, or dating violence, certified by the  
344 clerk of the court, from the petitioner and immediately serve it  
345 upon a respondent who has been located but not yet served.

346 (b) A Domestic, Dating, Sexual, and Repeat or Serious  
347 Violence Injunction Statewide Verification System is created  
348 within the Department of Law Enforcement. The department shall

35-00488-25

2025308\_\_

349 establish, implement, and maintain a statewide communication  
350 system capable of electronically transmitting information to and  
351 between criminal justice agencies relating to domestic violence  
352 injunctions, dating violence injunctions, sexual violence  
353 injunctions, and repeat or serious violence injunctions issued  
354 by the courts throughout the state. Such information must  
355 include, but is not limited to, information as to the existence  
356 and status of any injunction for verification purposes.

357 (c)1. Within 24 hours after the court issues an injunction  
358 for protection against repeat or serious violence, sexual  
359 violence, or dating violence or changes or vacates an injunction  
360 for protection against repeat or serious violence, sexual  
361 violence, or dating violence, the clerk of the court must  
362 electronically transmit a copy of the injunction to the sheriff  
363 with jurisdiction over the residence of the petitioner.

364 2. Within 24 hours after service of process of an  
365 injunction for protection against repeat or serious violence,  
366 sexual violence, or dating violence upon a respondent, the law  
367 enforcement officer must electronically transmit the written  
368 proof of service of process to the sheriff with jurisdiction  
369 over the residence of the petitioner.

370 3. Within 24 hours after the sheriff receives a certified  
371 copy of the injunction for protection against repeat or serious  
372 violence, sexual violence, or dating violence, the sheriff must  
373 make information relating to the injunction available to other  
374 law enforcement agencies by electronically transmitting such  
375 information to the department.

376 4. Within 24 hours after the sheriff or other law  
377 enforcement officer has made service upon the respondent and the

35-00488-25

2025308\_\_

378 sheriff has been so notified, the sheriff must make information  
379 relating to the service available to other law enforcement  
380 agencies by electronically transmitting such information to the  
381 department.

382 5. Subject to available funding, the Florida Association of  
383 Court Clerks and Comptrollers shall develop an automated process  
384 by which a petitioner may request notification of service of the  
385 injunction for protection against repeat or serious violence,  
386 sexual violence, or dating violence and other court actions  
387 related to the injunction for protection. The automated notice  
388 must be made within 12 hours after the sheriff or other law  
389 enforcement officer serves the injunction upon the respondent.  
390 The notification must include, at a minimum, the date, time, and  
391 location where the injunction for protection against repeat or  
392 serious violence, sexual violence, or dating violence was  
393 served. The Florida Association of Court Clerks and Comptrollers  
394 may apply for any available grants to fund the development of  
395 the automated process.

396 6. Within 24 hours after an injunction for protection  
397 against repeat or serious violence, sexual violence, or dating  
398 violence is lifted, terminated, or otherwise rendered no longer  
399 effective by ruling of the court, the clerk of the court must  
400 notify the sheriff or local law enforcement agency receiving  
401 original notification of the injunction as provided in  
402 subparagraph 2. That agency shall, within 24 hours after  
403 receiving such notification from the clerk of the court, notify  
404 the department of such action of the court.

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

35-00488-25

2025308\_\_

407 (9) (a) The court shall enforce, through a civil or criminal  
408 contempt proceeding, a violation of an injunction for  
409 protection. The court may enforce the respondent's compliance  
410 with the injunction by imposing a monetary assessment. The clerk  
411 of the court shall collect and receive such assessments. On a  
412 monthly basis, the clerk shall transfer the moneys collected  
413 pursuant to this paragraph to the State Treasury for deposit in  
414 the Crimes Compensation Trust Fund established in s. 960.21.

415 (b) If the respondent is arrested by a law enforcement  
416 officer under s. 901.15(6) for committing an act of repeat or  
417 serious violence, sexual violence, or dating violence in  
418 violation of an injunction for protection, the respondent must  
419 ~~shall~~ be held in custody until brought before the court as  
420 expeditiously as possible for the purpose of enforcing the  
421 injunction and for admittance to bail in accordance with chapter  
422 903 and the applicable rules of criminal procedure, pending a  
423 hearing.

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

426 (11) Any law enforcement officer who investigates an  
427 alleged incident of dating violence shall assist the victim to  
428 obtain medical treatment if such is required as a result of the  
429 alleged incident to which the officer responds. Any law  
430 enforcement officer who investigates an alleged incident of  
431 dating violence shall advise the victim of such violence that  
432 there is a domestic violence center from which the victim may  
433 receive services. The law enforcement officer shall give the  
434 victim immediate notice of the legal rights and remedies  
435 available on a standard form developed and distributed by the

35-00488-25

2025308\_\_

436 Department of Law Enforcement. As necessary, the Department of  
437 Law Enforcement shall revise the Legal Rights and Remedies  
438 Notice to Victims to include a general summary of this section,  
439 using simple English as well as Spanish, and shall distribute  
440 the notice as a model form to be used by all law enforcement  
441 agencies throughout this ~~the~~ state. The notice must ~~shall~~  
442 include:

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

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

455 (12) When a law enforcement officer investigates an  
456 allegation that an incident of dating violence has occurred, the  
457 officer shall handle the incident pursuant to the arrest policy  
458 provided in s. 901.15(7), and as developed in accordance with  
459 subsections (13), (14), and (16). Whether or not an arrest is  
460 made, the officer shall make a written police report that is  
461 complete and clearly indicates that the alleged offense was an  
462 incident of dating violence. Such report must ~~shall~~ be given to  
463 the officer's supervisor and filed with the law enforcement  
464 agency in a manner that will permit data on dating violence



35-00488-25

2025308\_\_

465 cases to be compiled. Such report must include:

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

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

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

472

473 Whenever possible, the law enforcement officer shall obtain a  
474 written statement from the victim and witnesses concerning the  
475 alleged dating violence. The officer shall submit the report to  
476 the supervisor or other person to whom the employer's rules or  
477 policies require reports of similar allegations of criminal  
478 activity to be made. The law enforcement agency shall, without  
479 charge, send a copy of the initial police report, as well as any  
480 subsequent, supplemental, or related report, which excludes  
481 victim or witness statements or other materials that are part of  
482 an active criminal investigation and are exempt from disclosure  
483 under chapter 119, to the nearest locally certified domestic  
484 violence center within 24 hours after the agency's receipt of  
485 the report. The report furnished to the domestic violence center  
486 must include a narrative description of the dating violence  
487 incident.

488 (13) Whenever a law enforcement officer determines upon  
489 probable cause that an act of dating violence has been committed  
490 within the jurisdiction, or that a person has violated a  
491 condition of pretrial release as provided in s. 903.047 and the  
492 original arrest was for an act of dating violence, the officer  
493 may arrest the person or persons suspected of its commission and

35-00488-25

2025308\_\_

494 charge such person or persons with the appropriate crime. The  
495 decision to arrest and charge does ~~shall~~ not require consent of  
496 the victim or consideration of the relationship of the parties.

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

500 (b) If a law enforcement officer has probable cause to  
501 believe that two or more persons have committed a misdemeanor or  
502 felony, or if two or more persons make complaints to the  
503 officer, the officer must ~~shall~~ try to determine who was the  
504 primary aggressor. Arrest is the preferred response only with  
505 respect to the primary aggressor and not the preferred response  
506 with respect to a person who acts in a reasonable manner to  
507 protect or defend himself or herself or another family or  
508 household member from dating violence.

509 (15) A person who willfully violates a condition of  
510 pretrial release provided in s. 903.047, when the original  
511 arrest was for an act of dating violence as defined in this  
512 section, commits a misdemeanor of the first degree, punishable  
513 as provided in s. 775.082 or s. 775.083, and shall be held in  
514 custody until his or her first appearance.

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

520 Section 2. Paragraph (a) of subsection (5) of section  
521 44.407, Florida Statutes, is amended to read:

522 44.407 Elder-focused dispute resolution process.-

35-00488-25

2025308\_\_

- 523 (5) QUALIFICATIONS FOR ELDERCARE COORDINATORS.—
- 524 (a) The court shall appoint qualified eldercaring
- 525 coordinators who:
- 526 1. Meet one of the following professional requirements:
- 527 a. Are licensed as a mental health professional under
- 528 chapter 491 and hold at least a master's degree in the
- 529 professional field of practice;
- 530 b. Are licensed as a psychologist under chapter 490;
- 531 c. Are licensed as a physician under chapter 458 or chapter
- 532 459;
- 533 d. Are licensed as a nurse under chapter 464 and hold at
- 534 least a master's degree;
- 535 e. Are certified by the Florida Supreme Court as a family
- 536 mediator and hold at least a master's degree;
- 537 f. Are a member in good standing of The Florida Bar; or
- 538 g. Are a professional guardian as defined in s. 744.102(17)
- 539 and hold at least a master's degree.
- 540 2. Have completed all of the following:
- 541 a. Three years of postlicensure or postcertification
- 542 practice;
- 543 b. A family mediation training program certified by the
- 544 Florida Supreme Court; and
- 545 c. An eldercaring coordinator training program certified by
- 546 the Florida Supreme Court. The training must total at least 44
- 547 hours and must include advanced tactics for dispute resolution
- 548 of issues related to aging, illness, incapacity, or other
- 549 vulnerabilities associated with elders, as well as elder,
- 550 guardianship, and incapacity law and procedures and less
- 551 restrictive alternatives to guardianship; phases of eldercaring

35-00488-25

2025308\_\_

552 coordination and the role and functions of an eldercaring  
553 coordinator; the elder's role within eldercaring coordination;  
554 family dynamics related to eldercaring coordination; eldercaring  
555 coordination skills and techniques; multicultural competence and  
556 its use in eldercaring coordination; at least 6 hours of the  
557 implications of elder abuse, neglect, and exploitation and other  
558 safety issues pertinent to the training; at least 4 hours of  
559 ethical considerations pertaining to the training; use of  
560 technology within eldercaring coordination; and court-specific  
561 eldercaring coordination procedures. Pending certification of a  
562 training program by the Florida Supreme Court, the eldercaring  
563 coordinator must document completion of training that satisfies  
564 the hours and the elements prescribed in this sub-subparagraph.

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

579 4. Have not been a respondent in a final order granting an  
580 injunction for protection against domestic, dating, sexual, or

35-00488-25

2025308\_\_

581 repeat or serious violence or stalking or exploitation of an  
582 elder or a disabled person.

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

585 Section 3. Paragraph (a) of subsection (3) of section  
586 61.1825, Florida Statutes, is amended to read:

587 61.1825 State Case Registry.—

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

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

595 2. A temporary or final injunction for protection against  
596 domestic violence has been granted pursuant to s. 741.30(6), an  
597 injunction for protection against domestic violence has been  
598 issued by a court of a foreign state pursuant to s. 741.315, or  
599 a temporary or final injunction for protection against repeat or  
600 serious violence has been granted pursuant to s. 784.046; or

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

606 Section 4. Paragraph (k) of subsection (1) of section  
607 119.0714, Florida Statutes, is amended to read:

608 119.0714 Court files; court records; official records.—

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

35-00488-25

2025308\_\_

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

613 (k)1. A petition, and the contents thereof, for an  
614 injunction for protection against domestic violence, repeat or  
615 serious 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 on or after July 1, 2017, is exempt from s. 119.07(1) and  
621 s. 24(a), Art. I of the State Constitution.

622 2. A petition, and the contents thereof, for an injunction  
623 for protection against domestic violence, repeat or serious  
624 violence, dating violence, sexual violence, stalking, or  
625 cyberstalking that is dismissed without a hearing, dismissed at  
626 an ex parte hearing due to failure to state a claim or lack of  
627 jurisdiction, or dismissed for any reason having to do with the  
628 sufficiency of the petition itself without an injunction being  
629 issued before July 1, 2017, is exempt from s. 119.07(1) and s.  
630 24(a), Art. I of the State Constitution only upon request by an  
631 individual named in the petition as a respondent. The request  
632 must be in the form of a signed, legibly written request  
633 specifying the case name, case number, document heading, and  
634 page number. The request must be delivered by mail, facsimile,  
635 or electronic transmission or in person to the clerk of the  
636 court. A fee may not be charged for such request.

637 3. Any information that can be used to identify a  
638 petitioner or respondent in a petition for an injunction against

35-00488-25

2025308\_\_

639 domestic violence, repeat or serious violence, dating violence,  
640 sexual violence, stalking, or cyberstalking, and any affidavits,  
641 notice of hearing, and temporary injunction, is confidential and  
642 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
643 Constitution until the respondent has been personally served  
644 with a copy of the petition for injunction, affidavits, notice  
645 of hearing, and temporary injunction.

646 Section 5. Paragraph (e) of subsection (2) of section  
647 394.4597, Florida Statutes, is amended to read:

648 394.4597 Persons to be notified; patient's representative.-

649 (2) INVOLUNTARY PATIENTS.-

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

652 1. A professional providing clinical services to the  
653 patient under this part.

654 2. The licensed professional who initiated the involuntary  
655 examination of the patient, if the examination was initiated by  
656 professional certificate.

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

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

661 5. A person providing any substantial professional services  
662 to the patient, including clinical services.

663 6. A creditor of the patient.

664 7. A person subject to an injunction for protection against  
665 domestic violence under s. 741.30, whether the order of  
666 injunction is temporary or final, and for which the patient was  
667 the petitioner.

35-00488-25

2025308\_\_

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

673 Section 6. Paragraph (h) of subsection (2) of section  
674 394.4598, Florida Statutes, is amended to read:

675 394.4598 Guardian advocate.—

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

678 (h) A person subject to an injunction for protection  
679 against repeat or serious violence, stalking, sexual violence,  
680 or dating violence under s. 784.046, whether the order of  
681 injunction is temporary or final, and for which the patient was  
682 the petitioner.

683 Section 7. Subsection (3) of section 741.2901, Florida  
684 Statutes, is amended to read:

685 741.2901 Domestic violence cases; prosecutors; legislative  
686 intent; investigation; duty of circuits; first appearance.—

687 (3) Prior to a defendant's first appearance in any charge  
688 of domestic violence as defined in s. 741.28, the State  
689 Attorney's Office shall perform a thorough investigation of the  
690 defendant's history, including, but not limited to: prior  
691 arrests for domestic violence, prior arrests for nondomestic  
692 charges, prior injunctions for protection against domestic and  
693 repeat or serious violence filed listing the defendant as  
694 respondent and noting history of other victims, and prior walk-  
695 in domestic complaints filed against the defendant. This  
696 information shall be presented at first appearance, when setting



35-00488-25

2025308\_\_

697 bond, and when passing sentence, for consideration by the court.  
698 When a defendant is arrested for an act of domestic violence,  
699 the defendant shall be held in custody until brought before the  
700 court for admittance to bail in accordance with chapter 903. In  
701 determining bail, the court shall consider the safety of the  
702 victim, the victim's children, and any other person who may be  
703 in danger if the defendant is released.

704 Section 8. Paragraph (c) of subsection (2) and paragraph  
705 (b) of subsection (8) of section 741.30, Florida Statutes, are  
706 amended to read:

707 741.30 Domestic violence; injunction; powers and duties of  
708 court and clerk; petition; notice and hearing; temporary  
709 injunction; issuance of injunction; statewide verification  
710 system; enforcement; public records exemption.—

711 (2)

712 (c)1. The clerk of the court shall assist petitioners in  
713 seeking both injunctions for protection against domestic  
714 violence and enforcement for a violation thereof as specified in  
715 this section.

716 2. All clerks' offices shall provide simplified petition  
717 forms for the injunction, any modifications, and the enforcement  
718 thereof, including instructions for completion.

719 3. The clerk of the court shall advise petitioners of the  
720 opportunity to apply for a certificate of indigence in lieu of  
721 prepayment for the cost of the filing fee, as provided in  
722 paragraph (a).

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

35-00488-25

2025308\_\_

726           5. The clerk of the court shall provide petitioners with a  
727 minimum of two certified copies of the order of injunction, one  
728 of which is serviceable and will inform the petitioner of the  
729 process for service and enforcement.

730           6. Clerks of court and appropriate staff in each county  
731 shall receive training in the effective assistance of  
732 petitioners as provided or approved by the Florida Association  
733 of Court Clerks.

734           7. The clerk of the court in each county shall make  
735 available informational brochures on domestic violence when such  
736 brochures are provided by local certified domestic violence  
737 centers.

738           8. The clerk of the court in each county shall distribute a  
739 statewide uniform informational brochure to petitioners at the  
740 time of filing for an injunction for protection against domestic  
741 or repeat or serious violence when such brochures become  
742 available. The brochure must include information about the  
743 effect of giving the court false information about domestic  
744 violence.

745           (8)

746           (b) A Domestic and Repeat or Serious Violence Injunction  
747 Statewide Verification System is created within the Department  
748 of Law Enforcement. The department shall establish, implement,  
749 and maintain a statewide communication system capable of  
750 electronically transmitting information to and between criminal  
751 justice agencies relating to domestic violence injunctions and  
752 repeat or serious violence injunctions issued by the courts  
753 throughout the state. Such information must include, but is not  
754 limited to, information as to the existence and status of any

35-00488-25

2025308\_\_

755 injunction for verification purposes.

756 Section 9. Paragraph (b) of subsection (2) of section  
757 741.313, Florida Statutes, is amended to read:

758 741.313 Unlawful action against employees seeking  
759 protection.—

760 (2)

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

763 1. Seek an injunction for protection against domestic  
764 violence or an injunction for protection in cases of repeat or  
765 serious violence, dating violence, or sexual violence;

766 2. Obtain medical care or mental health counseling, or  
767 both, for the employee or a family or household member to  
768 address physical or psychological injuries resulting from the  
769 act of domestic violence or sexual violence;

770 3. Obtain services from a victim services organization,  
771 including, but not limited to, a domestic violence shelter or  
772 program or a rape crisis center as a result of the act of  
773 domestic violence or sexual violence;

774 4. Make the employee's home secure from the perpetrator of  
775 the domestic violence or sexual violence or to seek new housing  
776 to escape the perpetrator; or

777 5. Seek legal assistance in addressing issues arising from  
778 the act of domestic violence or sexual violence or to attend and  
779 prepare for court-related proceedings arising from the act of  
780 domestic violence or sexual violence.

781 Section 10. Subsection (1) of section 784.047, Florida  
782 Statutes, is amended to read:

783 784.047 Penalties for violating protective injunction

35-00488-25

2025308\_\_

784 against violators.—

785 (1) A person who willfully violates an injunction for  
786 protection against repeat or serious violence, sexual violence,  
787 or dating violence, issued pursuant to s. 784.046, or a foreign  
788 protection order accorded full faith and credit pursuant to s.  
789 741.315 by:

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

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

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

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

800 (e) Telephoning, contacting, or otherwise communicating  
801 with the petitioner directly or indirectly, unless the  
802 injunction specifically allows indirect contact through a third  
803 party;

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

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

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

811  
812 commits a misdemeanor of the first degree, punishable as

35-00488-25

2025308\_\_

813 provided in s. 775.082 or s. 775.083, except as provided in  
814 subsection (2).

815 Section 11. Subsection (4) of section 784.048, Florida  
816 Statutes, is amended to read:

817 784.048 Stalking; definitions; penalties.—

818 (4) A person who, after an injunction for protection  
819 against repeat or serious violence, sexual violence, or dating  
820 violence pursuant to s. 784.046, or an injunction for protection  
821 against domestic violence pursuant to s. 741.30, or after any  
822 other court-imposed prohibition of conduct toward the subject  
823 person or that person's property, knowingly, willfully,  
824 maliciously, and repeatedly follows, harasses, or cyberstalks  
825 another person commits the offense of aggravated stalking, a  
826 felony of the third degree, punishable as provided in s.  
827 775.082, s. 775.083, or s. 775.084.

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

830 790.06 License to carry concealed weapon or concealed  
831 firearm.—

832 (2) The Department of Agriculture and Consumer Services  
833 shall issue a license if the applicant:

834 (a) Is a resident of the United States and a citizen of the  
835 United States or a permanent resident alien of the United  
836 States, as determined by the United States Bureau of Citizenship  
837 and Immigration Services, or is a consular security official of  
838 a foreign government that maintains diplomatic relations and  
839 treaties of commerce, friendship, and navigation with the United  
840 States and is certified as such by the foreign government and by  
841 the appropriate embassy in this country;

35-00488-25

2025308\_\_

- 842 (b) Is 21 years of age or older;
- 843 (c) Does not suffer from a physical infirmity which  
844 prevents the safe handling of a weapon or firearm;
- 845 (d) Is not ineligible to possess a firearm pursuant to s.  
846 790.23 by virtue of having been convicted of a felony;
- 847 (e) Has not been:
- 848 1. Found guilty of a crime under the provisions of chapter  
849 893 or similar laws of any other state relating to controlled  
850 substances within a 3-year period immediately preceding the date  
851 on which the application is submitted; or
- 852 2. Committed for the abuse of a controlled substance under  
853 chapter 397 or under the provisions of former chapter 396 or  
854 similar laws of any other state. An applicant who has been  
855 granted relief from firearms disabilities pursuant to s.  
856 790.065(2)(a)4.d. or pursuant to the law of the state in which  
857 the commitment occurred is deemed not to be committed for the  
858 abuse of a controlled substance under this subparagraph;
- 859 (f) Does not chronically and habitually use alcoholic  
860 beverages or other substances to the extent that his or her  
861 normal faculties are impaired. It shall be presumed that an  
862 applicant chronically and habitually uses alcoholic beverages or  
863 other substances to the extent that his or her normal faculties  
864 are impaired if the applicant has been convicted under s.  
865 790.151 or has been deemed a habitual offender under s.  
866 856.011(3), or has had two or more convictions under s. 316.193  
867 or similar laws of any other state, within the 3-year period  
868 immediately preceding the date on which the application is  
869 submitted;
- 870 (g) Desires a legal means to carry a concealed weapon or

35-00488-25

2025308\_\_

871 concealed firearm for lawful self-defense;

872 (h) Demonstrates competence with a firearm by any one of  
873 the following:

874 1. Completion of any hunter education or hunter safety  
875 course approved by the Fish and Wildlife Conservation Commission  
876 or a similar agency of another state;

877 2. Completion of any National Rifle Association firearms  
878 safety or training course;

879 3. Completion of any firearms safety or training course or  
880 class available to the general public offered by a law  
881 enforcement agency, junior college, college, or private or  
882 public institution or organization or firearms training school,  
883 using instructors certified by the National Rifle Association,  
884 Criminal Justice Standards and Training Commission, or the  
885 Department of Agriculture and Consumer Services;

886 4. Completion of any law enforcement firearms safety or  
887 training course or class offered for security guards,  
888 investigators, special deputies, or any division or subdivision  
889 of a law enforcement agency or security enforcement;

890 5. Presents evidence of equivalent experience with a  
891 firearm through participation in organized shooting competition  
892 or military service;

893 6. Is licensed or has been licensed to carry a concealed  
894 weapon or concealed firearm in this state or a county or  
895 municipality of this state, unless such license has been revoked  
896 for cause; or

897 7. Completion of any firearms training or safety course or  
898 class conducted by a state-certified or National Rifle  
899 Association certified firearms instructor;

35-00488-25

2025308\_\_

900  
901 A photocopy of a certificate of completion of any of the courses  
902 or classes; an affidavit from the instructor, school, club,  
903 organization, or group that conducted or taught such course or  
904 class attesting to the completion of the course or class by the  
905 applicant; or a copy of any document that shows completion of  
906 the course or class or evidences participation in firearms  
907 competition shall constitute evidence of qualification under  
908 this paragraph. A person who conducts a course pursuant to  
909 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as  
910 an instructor, attests to the completion of such courses, must  
911 maintain records certifying that he or she observed the student  
912 safely handle and discharge the firearm in his or her physical  
913 presence and that the discharge of the firearm included live  
914 fire using a firearm and ammunition as defined in s. 790.001;

915 (i) Has not been adjudicated an incapacitated person under  
916 s. 744.331, or similar laws of any other state. An applicant who  
917 has been granted relief from firearms disabilities pursuant to  
918 s. 790.065(2)(a)4.d. or pursuant to the law of the state in  
919 which the adjudication occurred is deemed not to have been  
920 adjudicated an incapacitated person under this paragraph;

921 (j) Has not been committed to a mental institution under  
922 chapter 394, or similar laws of any other state. An applicant  
923 who has been granted relief from firearms disabilities pursuant  
924 to s. 790.065(2)(a)4.d. or pursuant to the law of the state in  
925 which the commitment occurred is deemed not to have been  
926 committed in a mental institution under this paragraph;

927 (k) Has not had adjudication of guilt withheld or  
928 imposition of sentence suspended on any felony unless 3 years



35-00488-25

2025308\_\_

929 have elapsed since probation or any other conditions set by the  
930 court have been fulfilled, or expunction has occurred;

931 (1) Has not had adjudication of guilt withheld or  
932 imposition of sentence suspended on any misdemeanor crime of  
933 domestic violence unless 3 years have elapsed since probation or  
934 any other conditions set by the court have been fulfilled, or  
935 the record has been expunged;

936 (m) Has not been issued an injunction that is currently in  
937 force and effect and that restrains the applicant from  
938 committing acts of domestic violence or acts of repeat or  
939 serious violence; and

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

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

35-00488-25

2025308\_\_

958 crime that would disqualify such person from having a license  
959 under this section, until final disposition of the case. The  
960 department shall suspend a license or the processing of an  
961 application for a license if the licensee or applicant is issued  
962 an injunction that restrains the licensee or applicant from  
963 committing acts of domestic violence or acts of repeat or  
964 serious violence.

965 Section 13. Paragraph (c) of subsection (2) of section  
966 790.065, Florida Statutes, is amended to read:

967 790.065 Sale and delivery of firearms.—

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

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

- 982 a. Criminal anarchy under ss. 876.01 and 876.02.  
983 b. Extortion under s. 836.05.  
984 c. Explosives violations under s. 552.22(1) and (2).  
985 d. Controlled substances violations under chapter 893.  
986 e. Resisting an officer with violence under s. 843.01.

35-00488-25

2025308\_\_

- 987 f. Weapons and firearms violations under this chapter.  
988 g. Treason under s. 876.32.  
989 h. Assisting self-murder under s. 782.08.  
990 i. Sabotage under s. 876.38.  
991 j. Stalking or aggravated stalking under s. 784.048.  
992

993 If the review indicates any such indictment, information, or  
994 arrest, the department must ~~shall~~ provide to the licensee a  
995 conditional nonapproval number.

996 2. Within 24 working hours, the department shall determine  
997 the disposition of the indictment, information, or arrest and  
998 inform the licensee as to whether the potential buyer is  
999 prohibited from receiving or possessing a firearm. For purposes  
1000 of this paragraph, "working hours" means the hours from 8 a.m.  
1001 to 5 p.m. Monday through Friday, excluding legal holidays.

1002 3. The office of the clerk of court, at no charge to the  
1003 department, shall respond to any department request for data on  
1004 the disposition of the indictment, information, or arrest as  
1005 soon as possible, but in no event later than 8 working hours.

1006 4. The department shall determine as quickly as possible  
1007 within the allotted time period whether the potential buyer is  
1008 prohibited from receiving or possessing a firearm.

1009 5. If the potential buyer is not so prohibited, or if the  
1010 department cannot determine the disposition information within  
1011 the allotted time period, the department must ~~shall~~ provide the  
1012 licensee with a conditional approval number.

1013 6. If the buyer is so prohibited, the conditional  
1014 nonapproval number must ~~shall~~ become a nonapproval number.

1015 7. The department shall continue its attempts to obtain the

35-00488-25

2025308\_\_

1016 disposition information and may retain a record of all approval  
1017 numbers granted without sufficient disposition information. If  
1018 the department later obtains disposition information which  
1019 indicates:

1020 a. That the potential buyer is not prohibited from owning a  
1021 firearm, it must ~~shall~~ treat the record of the transaction in  
1022 accordance with this section; or

1023 b. That the potential buyer is prohibited from owning a  
1024 firearm, it must ~~shall~~ immediately revoke the conditional  
1025 approval number and notify local law enforcement.

1026 8. During the time that disposition of the indictment,  
1027 information, or arrest is pending and until the department is  
1028 notified by the potential buyer that there has been a final  
1029 disposition of the indictment, information, or arrest, the  
1030 conditional nonapproval number must ~~shall~~ remain in effect.

1031 Section 14. Paragraph (m) of subsection (2) of section  
1032 934.03, Florida Statutes, is amended to read:

1033 934.03 Interception and disclosure of wire, oral, or  
1034 electronic communications prohibited.—

1035 (2)

1036 (m) It is lawful under this section and ss. 934.04-934.09  
1037 for a person who is protected under an active temporary or final  
1038 injunction for repeat or serious violence, sexual violence, or  
1039 dating violence under s. 784.046; stalking under s. 784.0485;  
1040 domestic violence under s. 741.30; or any other court-imposed  
1041 prohibition of conduct toward the person to intercept and record  
1042 a wire, oral, or electronic communication received in violation  
1043 of such injunction or court order. A recording authorized under  
1044 this paragraph may be provided to a law enforcement agency, an

35-00488-25

2025308\_\_

1045 attorney, or a court for the purpose of evidencing a violation  
1046 of an injunction or court order if the subject of the injunction  
1047 or court order prohibiting contact has been served the  
1048 injunction or is on notice that the conduct is prohibited. A  
1049 recording authorized under this paragraph may not be otherwise  
1050 disseminated or shared.

1051 Section 15. Paragraph (e) of subsection (2) of section  
1052 943.05, Florida Statutes, is amended to read:

1053 943.05 Criminal Justice Information Program; duties; crime  
1054 reports.—

1055 (2) The program shall:

1056 (e) Establish, implement, and maintain a Domestic and  
1057 Repeat or Serious Violence Injunction Statewide Verification  
1058 System capable of electronically transmitting information to and  
1059 between criminal justice agencies relating to domestic violence  
1060 injunctions, injunctions to prevent child abuse issued under  
1061 chapter 39, and repeat or serious violence injunctions issued by  
1062 the courts throughout the state. Such information must include,  
1063 but is not limited to, information as to the existence and  
1064 status of any such injunction for verification purposes.

1065 Section 16. For the purpose of incorporating the amendment  
1066 made by this act to section 784.046, Florida Statutes, in  
1067 references thereto, paragraphs (a), (c), and (d) of subsection  
1068 (8) of section 28.2221, Florida Statutes, are reenacted to read:

1069 28.2221 Electronic access to official records.—

1070 (8)(a) Each county recorder or clerk of the court must make  
1071 the identity of each respondent against whom a final judgment  
1072 for an injunction for the protection of a minor under s. 741.30,  
1073 s. 784.046, or s. 784.0485 is entered, as well as the fact that

35-00488-25

2025308\_\_

1074 a final judgment for an injunction for the protection of a minor  
1075 under s. 741.30, s. 784.046, or s. 784.0485 has been entered  
1076 against that respondent, publicly available on the county  
1077 recorder's or clerk of the court's official website, unless the  
1078 respondent is a minor. The identity and information required  
1079 under this subsection must be viewable through a searchable  
1080 database that is available in a clear and conspicuous location  
1081 on the homepage of the county recorder's or clerk of the court's  
1082 official website and must be available for search by the general  
1083 public.

1084 (c) Any information specified in this subsection not made  
1085 available by the county clerk of the court as provided in this  
1086 subsection before July 1, 2024, must be made publicly available  
1087 on the county recorder's or clerk of the court's official  
1088 website if the affected party identifies the information and  
1089 requests that such information be added for general public  
1090 display. Such request must be in writing and delivered by mail,  
1091 facsimile, or electronic transmission or in person to the county  
1092 recorder or clerk of the court. The request must specify the  
1093 case number assigned to the final judgment for an injunction for  
1094 the protection of a minor under s. 741.30, s. 784.046, or s.  
1095 784.0485. A fee may not be charged for the addition of  
1096 information pursuant to such request.

1097 (d) No later than 30 days after July 1, 2024, notice of the  
1098 right of any affected party to request the addition of  
1099 information to the searchable database on the county recorder's  
1100 or clerk of the court's official website pursuant to this  
1101 subsection must be conspicuously and clearly displayed by the  
1102 county recorder or clerk of the court on the county recorder's

35-00488-25

2025308\_\_

1103 or clerk of the court's official website on which images or  
1104 copies of the county's public records are placed and in the  
1105 office of each county recorder or clerk of the court. Such  
1106 notice must contain appropriate instructions for making the  
1107 addition of information request in person, by mail, by  
1108 facsimile, or by electronic transmission. The notice must state,  
1109 in substantially similar form, that any person has a right to  
1110 request that a county recorder or clerk of the court add  
1111 information to the searchable database on the county recorder's  
1112 or clerk of the court's official website if that information  
1113 involves the identity of a respondent against whom a final  
1114 judgment for an injunction for the protection of a minor under  
1115 s. 741.30, s. 784.046, or s. 784.0485 is entered, unless the  
1116 respondent is a minor. The notice must also state that the  
1117 information related to the identity of each respondent against  
1118 whom a final judgment for an injunction for the protection of a  
1119 minor under s. 741.30, s. 784.046, or s. 784.0485 is entered is  
1120 available for search by the general public. The notice must  
1121 include step-by-step instructions detailing how a user can  
1122 access the searchable database and search for such information.  
1123 Such request must be made in writing and delivered by mail,  
1124 facsimile, or electronic transmission or in person to the county  
1125 recorder or clerk of the court. The request must specify the  
1126 case number assigned to the final judgment for an injunction for  
1127 the protection of a minor under s. 741.30, s. 784.046, or s.  
1128 784.0485. A fee may not be charged for the addition of a  
1129 document pursuant to such request.

1130 Section 17. For the purpose of incorporating the amendment  
1131 made by this act to section 784.046, Florida Statutes, in a

35-00488-25

2025308\_\_

1132 reference thereto, subsection (1) of section 61.1827, Florida  
1133 Statutes, is reenacted to read:

1134       61.1827 Identifying information concerning applicants for  
1135 and recipients of child support services.—

1136       (1) Any information that reveals the identity of applicants  
1137 for or recipients of child support services, including the name,  
1138 address, and telephone number of such persons, held by a non-  
1139 Title IV-D county child support enforcement agency is  
1140 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
1141 of the State Constitution. The use or disclosure of such  
1142 information by the non-Title IV-D county child support  
1143 enforcement agency is limited to the purposes directly connected  
1144 with:

1145       (a) Any investigation, prosecution, or criminal or civil  
1146 proceeding connected with the administration of any non-Title  
1147 IV-D county child support enforcement program;

1148       (b) Mandatory disclosure of identifying and location  
1149 information as provided in s. 61.13(7) by the non-Title IV-D  
1150 county child support enforcement agency when providing non-Title  
1151 IV-D services;

1152       (c) Mandatory disclosure of information as required by ss.  
1153 409.2577, 61.181, 61.1825, and 61.1826 and Title IV-D of the  
1154 Social Security Act; or

1155       (d) Disclosure to an authorized person, as defined in 45  
1156 C.F.R. s. 303.15, for purposes of enforcing any state or federal  
1157 law with respect to the unlawful taking or restraint of a child  
1158 or making or enforcing a parenting plan. As used in this  
1159 paragraph, the term "authorized person" includes a parent with  
1160 whom the child does not currently reside, unless a court has



35-00488-25

2025308\_\_

1161 entered an order under s. 741.30, s. 741.31, or s. 784.046.

1162 Section 18. For the purpose of incorporating the amendment  
1163 made by this act to section 784.046, Florida Statutes, in a  
1164 reference thereto, subsection (2) of section 741.311, Florida  
1165 Statutes, is reenacted to read:

1166 741.311 Hope Card Program for persons issued orders of  
1167 protection.—

1168 (2) Beginning October 1, 2024, a person who has been issued  
1169 a final judgment on injunction for protection under s. 741.30,  
1170 s. 784.046, s. 784.0485, or s. 825.1035 may request a Hope Card  
1171 from the clerk of the court of the circuit in which the order  
1172 for an injunction for protection was entered. A person may  
1173 request a Hope Card at the time the final judgment on injunction  
1174 for protection is issued or at any other time before the  
1175 expiration of the order for protection.

1176 Section 19. For the purpose of incorporating the amendment  
1177 made by this act to section 784.046, Florida Statutes, in a  
1178 reference thereto, subsection (2) of section 741.315, Florida  
1179 Statutes, is reenacted to read:

1180 741.315 Recognition of foreign protection orders.—

1181 (2) Pursuant to 18 U.S.C. s. 2265, an injunction for  
1182 protection against domestic violence issued by a court of a  
1183 foreign state must be accorded full faith and credit by the  
1184 courts of this state and enforced by a law enforcement agency as  
1185 if it were the order of a Florida court issued under s. 741.30,  
1186 s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487,  
1187 and provided that the court had jurisdiction over the parties  
1188 and the matter and that reasonable notice and opportunity to be  
1189 heard was given to the person against whom the order is sought

35-00488-25

2025308\_\_

1190 sufficient to protect that person's right to due process. Ex  
1191 parte foreign injunctions for protection are not eligible for  
1192 enforcement under this section unless notice and opportunity to  
1193 be heard have been provided within the time required by the  
1194 foreign state or tribal law, and in any event within a  
1195 reasonable time after the order is issued, sufficient to protect  
1196 the respondent's due process rights.

1197 Section 20. For the purpose of incorporating the amendment  
1198 made by this act to section 784.046, Florida Statutes, in  
1199 references thereto, paragraph (e) of subsection (2) and  
1200 paragraph (c) of subsection (3) of section 790.401, Florida  
1201 Statutes, are reenacted to read:

1202 790.401 Risk protection orders.—

1203 (2) PETITION FOR A RISK PROTECTION ORDER.—There is created  
1204 an action known as a petition for a risk protection order.

1205 (e) A petition must:

1206 1. Allege that the respondent poses a significant danger of  
1207 causing personal injury to himself or herself or others by  
1208 having a firearm or any ammunition in his or her custody or  
1209 control or by purchasing, possessing, or receiving a firearm or  
1210 any ammunition, and must be accompanied by an affidavit made  
1211 under oath stating the specific statements, actions, or facts  
1212 that give rise to a reasonable fear of significant dangerous  
1213 acts by the respondent;

1214 2. Identify the quantities, types, and locations of all  
1215 firearms and ammunition the petitioner believes to be in the  
1216 respondent's current ownership, possession, custody, or control;  
1217 and

1218 3. Identify whether there is a known existing protection

35-00488-25

2025308\_\_

1219 order governing the respondent under s. 741.30, s. 784.046, or  
1220 s. 784.0485 or under any other applicable statute.

1221 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

1222 (c) In determining whether grounds for a risk protection  
1223 order exist, the court may consider any relevant evidence,  
1224 including, but not limited to, any of the following:

1225 1. A recent act or threat of violence by the respondent  
1226 against himself or herself or others, whether or not such  
1227 violence or threat of violence involves a firearm.

1228 2. An act or threat of violence by the respondent within  
1229 the past 12 months, including, but not limited to, acts or  
1230 threats of violence by the respondent against himself or herself  
1231 or others.

1232 3. Evidence of the respondent being seriously mentally ill  
1233 or having recurring mental health issues.

1234 4. A violation by the respondent of a risk protection order  
1235 or a no contact order issued under s. 741.30, s. 784.046, or s.  
1236 784.0485.

1237 5. A previous or existing risk protection order issued  
1238 against the respondent.

1239 6. A violation of a previous or existing risk protection  
1240 order issued against the respondent.

1241 7. Whether the respondent, in this state or any other  
1242 state, has been convicted of, had adjudication withheld on, or  
1243 pled nolo contendere to a crime that constitutes domestic  
1244 violence as defined in s. 741.28.

1245 8. Whether the respondent has used, or has threatened to  
1246 use, against himself or herself or others any weapons.

1247 9. The unlawful or reckless use, display, or brandishing of

35-00488-25

2025308\_\_

1248 a firearm by the respondent.

1249 10. The recurring use of, or threat to use, physical force  
1250 by the respondent against another person or the respondent  
1251 stalking another person.

1252 11. Whether the respondent, in this state or any other  
1253 state, has been arrested for, convicted of, had adjudication  
1254 withheld on, or pled nolo contendere to a crime involving  
1255 violence or a threat of violence.

1256 12. Corroborated evidence of the abuse of controlled  
1257 substances or alcohol by the respondent.

1258 13. Evidence of recent acquisition of firearms or  
1259 ammunition by the respondent.

1260 14. Any relevant information from family and household  
1261 members concerning the respondent.

1262 15. Witness testimony, taken while the witness is under  
1263 oath, relating to the matter before the court.

1264 Section 21. For the purpose of incorporating the amendment  
1265 made by this act to section 784.046, Florida Statutes, in a  
1266 reference thereto, subsection (6) of section 901.15, Florida  
1267 Statutes, is reenacted to read:

1268 901.15 When arrest by officer without warrant is lawful.—A  
1269 law enforcement officer may arrest a person without a warrant  
1270 when:

1271 (6) There is probable cause to believe that the person has  
1272 committed a criminal act according to s. 790.233 or according to  
1273 s. 741.31, s. 784.047, or s. 825.1036 which violates an  
1274 injunction for protection entered pursuant to s. 741.30, s.  
1275 784.046, or s. 825.1035 or a foreign protection order accorded  
1276 full faith and credit pursuant to s. 741.315, over the objection

35-00488-25

2025308\_\_

1277 of the petitioner, if necessary.

1278 Section 22. For the purpose of incorporating the amendment  
1279 made by this act to section 784.046, Florida Statutes, in a  
1280 reference thereto, subsection (5) of section 901.41, Florida  
1281 Statutes, is reenacted to read:

1282 901.41 Prearrest diversion programs.—

1283 (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime  
1284 of domestic violence, as defined in s. 741.28, or a misdemeanor  
1285 under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048,  
1286 s. 784.0487, or s. 784.049 does not qualify for a civil citation  
1287 or prearrest diversion program.

1288 Section 23. For the purpose of incorporating the amendment  
1289 made by this act to section 784.046, Florida Statutes, in a  
1290 reference thereto, paragraph (p) of subsection (6) of section  
1291 921.141, Florida Statutes, is reenacted to read:

1292 921.141 Sentence of death or life imprisonment for capital  
1293 felonies; further proceedings to determine sentence.—

1294 (6) AGGRAVATING FACTORS.—Aggravating factors shall be  
1295 limited to the following:

1296 (p) The capital felony was committed by a person subject to  
1297 an injunction issued pursuant to s. 741.30 or s. 784.046, or a  
1298 foreign protection order accorded full faith and credit pursuant  
1299 to s. 741.315, and was committed against the petitioner who  
1300 obtained the injunction or protection order or any spouse,  
1301 child, sibling, or parent of the petitioner.

1302 Section 24. For the purpose of incorporating the amendment  
1303 made by this act to section 784.046, Florida Statutes, in a  
1304 reference thereto, paragraph (j) of subsection (7) of section  
1305 921.1425, Florida Statutes, is reenacted to read:

35-00488-25

2025308\_\_

1306 921.1425 Sentence of death or life imprisonment for capital  
1307 sexual battery; further proceedings to determine sentence.-

1308 (7) AGGRAVATING FACTORS.-Aggravating factors shall be  
1309 limited to the following:

1310 (j) The capital felony was committed by a person subject to  
1311 an injunction issued pursuant to s. 741.30 or s. 784.046, or a  
1312 foreign protection order accorded full faith and credit pursuant  
1313 to s. 741.315, and was committed against the petitioner who  
1314 obtained the injunction or protection order or any spouse,  
1315 child, sibling, or parent of the petitioner.

1316 Section 25. For the purpose of incorporating the amendment  
1317 made by this act to section 784.046, Florida Statutes, in a  
1318 reference thereto, subsection (3) of section 934.425, Florida  
1319 Statutes, is reenacted to read:

1320 934.425 Installation or use of tracking devices or tracking  
1321 applications; exceptions; penalties.-

1322 (3) For purposes of this section, a person's consent is  
1323 presumed to be revoked if:

1324 (a) The consenting person and the person to whom consent  
1325 was given are lawfully married and one person files a petition  
1326 for dissolution of marriage from the other; or

1327 (b) The consenting person or the person to whom consent was  
1328 given files an injunction for protection against the other  
1329 person pursuant to s. 741.30, s. 741.315, s. 784.046, or s.  
1330 784.0485.

1331 Section 26. This act shall take effect July 1, 2025.