

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [HB 1105](#)

TITLE: Interpersonal Violence Injunctions

SPONSOR(S): Booth

COMPANION BILL: [SB 1280](#) (Calatayud)

LINKED BILLS: None

RELATED BILLS: [SB 1644](#) (McClain)

Committee References

[Civil Justice & Claims](#)

15 Y, 0 N



[Justice Budget](#)



[Judiciary](#)

SUMMARY

Effect of the Bill:

HB 1105 updates and clarifies statutes relating to the issuance of interpersonal violence injunctions, including domestic violence, repeat violence, dating violence, sexual violence, and stalking. The bill:

- Clarifies hearing requirements for interpersonal violence injunction matters;
- Authorizes e-mail service of documents in interpersonal violence injunction cases;
- Requires all interpersonal violence injunction proceedings to be recorded; and
- Makes a number of technical clarifications and updates to provide consistency and uniformity with naming conventions across all interpersonal violence injunction provisions.

The bill has an effective date of July 1, 2026.

Fiscal or Economic Impact:

The bill may have an insignificant fiscal impact on state and local governments that will likely be absorbed through existing resources.

JUMP TO

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

HB 1105 makes a number of changes to the laws relating to interpersonal violence [injunctions](#), including [domestic violence](#) injunctions, injunctions for [repeat, sexual, or dating violence](#), and injunctions for protection from stalking. The bill attempts to update the injunction process and align the three types of injunctions to the extent such alignment is possible. (Sections [1](#), [2](#), and [3](#)).

General Revisions Applicable to All Interpersonal Violence Injunctions

The bill makes a number of changes to those statutory sections relating to injunctions for domestic violence; repeat, dating and sexual violence; and stalking. The bill updates existing law to reflect technological advancements like e-mail and virtual appearances. For all three types of injunctions, the bill:

- Clarifies that the clerk of the court shall provide a form for the designation of mailing and e-mail addresses for service.
- Requires the respondent to file his or her designation of mailing and e-mail addresses for service form within one business day of being served.
- Requires all orders to be delivered to the parties at the time the order is entered if the parties are physically present before the court. If the parties appeared via audio-visual communications like Zoom or Skype, the clerk must mail or email certified copies of the order to the last known mailing or e-mail addresses of the parties.

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- Requires the clerk, any time service is made by mail or e-mail, to prepare a written certification of such service specifying the date, time, and method of service and store the certification in the case file.
- Clarifies that service made by mail or e-mail is completed upon the mailing or e-mailing of the document.
- Authorizes service of subsequent documents to be made by mail or e-mail if the respondent has previously been personally served by a law enforcement officer in the matter.
- Requires that the clerk, within 24 hours after the court issues a final injunction or changes, continues, extends, or vacates an injunction, must mail or e-mail certified copies of the injunction order to the last known physical address or e-mail address of each party.
- Requires the clerk to electronically transmit a certified copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner.
 - Once the sheriff has received the certified copy of the injunction, the bill requires the sheriff to make information relating to the injunction electronically available to other law enforcement agencies within 24 hours. (Sections [1](#), [2](#), and [3](#)).

The bill makes a number of changes to streamline the injunction process and clarify hearing requirements for all interpersonal violence injunctions. The bill:

- Classifies an ex parte injunction as a “temporary injunction.”
- Requires the court to review all petitions for injunctions ex parte and, if probable cause exists, to issue a temporary injunction and set the matter for a final hearing.
- Requires all respondents in an injunction matter to be personally served by a law enforcement officer with initial notice (either of the issuance of a temporary injunction or the scheduling of a final hearing).
- Reclassifies what was previously referred to as a “full hearing” as a “final hearing” for clarity. (Sections [1](#), [2](#), and [3](#)).

Revisions Specific to [Domestic Violence Injunctions](#)

In addition to the updates to the interpersonal violence injunctions in general, the bill revises the list of factors a court must consider when determining whether to issue a domestic violence injunction to include incidents of strangulation. (Section [1](#)).

Revisions Specific to [Repeat, Dating, and Sexual Violence Injunctions](#)

The bill attempts to align the repeat, dating, and sexual violence injunction process with the domestic violence process, where possible. As such, the bill incorporates a number of provisions present in current law specific to domestic violence injunctions into the statutes relating to repeat, dating, and sexual violence injunctions. The bill:

- Prohibits mutual orders of protection from being issued under any circumstance.
- Requires a denial of a petition for an ex parte temporary injunction to be made by written order noting the legal grounds for the denial.
- Authorizes, but does not require, the court to set a final hearing on the petition without issuing a temporary injunction if the court had previously denied the petition for a temporary injunction.
- Clarifies that a court may grant a continuance of a temporary injunction before or during the final hearing in order to obtain proper service of process.
- Specifies that any injunction must be extended and remain in full force and effect during any period of continuance.
- Requires that all proceedings for repeat, dating, or sexual violence injunctions be recorded. Such recordings may be made electronically as provided by the Rules of General Practice and Judicial Administration.
- Requires that all orders issued, changed, continued, extended, or vacated subsequent to the original service must be certified by the clerk of the court and delivered immediately if the parties are present before the court. (Section [2](#)).

Revisions Specific to [Stalking Injunctions](#)

In addition to the general revisions stated above, the bill aligns the stalking injunction requirements to the domestic violence injunction provisions, where possible, by including injunctions for stalking within the existing Statewide Injunction Verification System. (Section [3](#)).

Statewide Verification System

The bill renames the existing Statewide Domestic, Dating, Sexual, and Repeat Violence Injunction Verification System to the “Statewide Injunction Verification System.” (Sections [4](#) and [5](#)).

For the purpose of incorporating the changes made by the bill, the bill reenacts sections [39.504, F.S.](#), [44.407, F.S.](#), [61.125, F.S.](#), and [741.29, F.S.](#) (Sections [6-9](#)).

The bill has an effective date of July 1, 2026. (Section [10](#)).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an insignificant fiscal impact on state governments that will likely be absorbed through existing resources.

LOCAL GOVERNMENT:

The bill may have an insignificant fiscal impact on local governments that will likely be absorbed through existing resources.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Domestic Violence

Domestic violence¹ is any assault,² aggravated assault,³ battery,⁴ aggravated battery,⁵ sexual assault,⁶ sexual battery,⁷ stalking,⁸ aggravated stalking,⁹ kidnapping,¹⁰ false imprisonment,¹¹ or any criminal offense resulting in

¹ [S. 741.28, F.S.](#)

² “Assault” means an intentional, unlawful threat by word or act to do violence to another, coupled with an apparent ability to do so, creating a well-founded fear in such other person that violence is imminent. [S. 784.011, F.S.](#)

³ “Aggravated assault” means an assault with a deadly weapon without intent to kill, or an assault with intent to commit a felony. [S. 784.021, F.S.](#)

⁴ “Battery” means the actual and intentional touching or striking of another against his or her will or intentionally causing bodily harm to another. [S. 784.03, F.S.](#)

⁵ “Aggravated battery” means a battery in which the offender intentionally or knowingly caused great bodily harm, permanent disability, or permanent disfigurement; used a deadly weapon; or victimized a person the offender knew or should have known was pregnant. [S. 784.045, F.S.](#)

⁶ “Sexual assault” has the same meaning as sexual battery.

⁷ “Sexual battery” means oral, anal, or vaginal penetration by, or in union with, the sexual organ of another or the anal or vaginal penetration of another by any object, but does not include an act done for a bona fide medical purpose. [S. 794.011\(1\)\(h\), F.S.](#)

⁸ “Stalking” means willfully, maliciously, and repeatedly following, harassing, or cyberstalking another. [S. 784.048\(2\), F.S.](#)

⁹ “Aggravated stalking” means willfully, maliciously, and repeatedly following, harassing, or cyberstalking another and making a credible threat to that person. [S. 784.048\(3\), F.S.](#)

¹⁰ “Kidnapping” means forcibly, secretly, or by threat confining, abducting, or imprisoning another against his or her will and without lawful authority with the intent to hold for ransom or reward or as a shield or hostage; commit or facilitate a felony; inflict bodily harm upon or terrorize another; or interfere with the performance of any governmental or political function. [S. 787.01\(1\), F.S.](#)

physical injury or death of one family or household member by another family or household member and includes a threat of such acts against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

“Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married.¹² With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.¹³

Repeat, Dating, or Sexual Violence

Repeat Violence

“Repeat violence” means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed at the petitioner, or the petitioner’s immediate family member.¹⁴

Dating Violence

Dating violence is an act of assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, committed between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature.¹⁵ The existence of such a relationship is determined based on the consideration of the following factors:

- A dating relationship must have existed within the past six months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.¹⁶

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.¹⁷

Sexual Violence

Pursuant to [s. 784.046, F.S.](#), “sexual violence” means any one of the following incidents, regardless of whether criminal charges were filed, reduced, or dismissed:

- Sexual battery, as defined under ch. 794, F.S.;
- A lewd or lascivious act committed upon or in the presence of a person under 16 years of age;
- Luring or enticing a child;
- Sexual performance by a child; or
- Any other forcible felony wherein a sexual act is committed or attempted.

¹¹ “False imprisonment” means forcibly, by threat, or secretly confining, abducting, imprisoning, or restraining another person without lawful authority and against his or her will. [S. 787.02\(1\), F.S.](#)

¹² [S. 741.28\(3\), F.S.](#)

¹³ *Id.*

¹⁴ [S. 784.046\(1\)\(b\), F.S.](#)

¹⁵ [S. 784.046\(1\)\(d\), F.S.](#)

¹⁶ *Id.*

¹⁷ *Id.*

Injunctions for Protection

Domestic Violence Injunctions

An injunction is a court order prohibiting a person from doing a specified act or commanding a person to undo some wrong or injury.¹⁸ An injunction for protection against domestic violence (“domestic violence injunction”) may be sought by a family or household member.¹⁹ The parties do not need to be married before a person can seek relief from domestic violence, and a party’s right to seek relief is not affected by leaving the residence or household to avoid domestic violence.²⁰

Once a petition for an injunction has been filed with the court, one of three events takes place:

- The court determines the petition has no merit and denies the petition, providing written findings for the denial;
- The court grants an ex parte temporary injunction and simultaneously sets a return hearing within 15 days; or
- The injunction is denied but a return hearing is scheduled so that both parties have the opportunity to present their issues and evidence before the court for further evaluation.

If, upon the initial review of the contents of the petition for an injunction, the court finds the petitioner is in immediate and present danger of domestic violence, it may grant a temporary injunction in an ex parte proceeding,²¹ pending a full hearing, and grant relief including:

- Restraining the respondent from committing any acts of domestic violence;
- Awarding to the petitioner the temporary exclusive use and possession of a shared residence or excluding the respondent from the petitioner’s residence; and
- Providing to the petitioner a temporary parenting plan,²² including a timesharing schedule,²³ which may award the petitioner up to 100 percent of the timesharing.²⁴

A temporary injunction is effective only for up to 15 days, and a full hearing must be set for a date prior to the injunction’s expiration.²⁵

At the final hearing, the court must determine whether the petitioner is the victim of domestic violence or is in imminent danger of becoming a victim of domestic violence. In determining whether reasonable cause exists that the petitioner is in imminent danger, the court must consider eleven specific factors:²⁶

- The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.
- Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.
- Whether the respondent has threatened to conceal, kidnap, or harm the petitioner’s child or children.
- Whether the respondent has intentionally injured or killed a family pet.
- Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.

¹⁸ Black’s Law Dictionary 540 (6th ed. 1995).

¹⁹ [S. 741.30\(1\)\(e\), F.S.](#)

²⁰ S. 741.30(1)(d) and (e), F.S.

²¹ “Ex parte,” Latin for “from one party,” refers to motions for orders that can be granted without waiting for a response from the other side. These are generally orders that are in place only until further hearings can be held. Legal Information Institute, *Ex Parte*, https://www.law.cornell.edu/wex/ex_parte (last visited Jan. 15, 2026).

²² A “parenting plan” governs the relationship between parents relating to decisions that must be made regarding the minor child and must contain a timesharing schedule for the parents and child. [S. 61.046\(14\), F.S.](#)

²³ “Timesharing schedule” means a timetable that must be included in a parenting plan that specifies the time, including overnights and holidays, which a minor child will spend with each parent. [S. 61.046\(23\), F.S.](#)

²⁴ [S. 741.30\(5\)\(a\), F.S.](#)

²⁵ [S. 741.30\(5\)\(a\), F.S.](#)

²⁶ [S. 741.30\(6\)\(b\), F.S.](#)

- Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.
- Whether the respondent has a criminal history involving violence or the threat of violence.
- The existence of a verifiable injunction for protection issued previously or from another jurisdiction.
- Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.
- Whether the respondent has or had engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short, which evidences a continuity of purpose and which reasonably causes the petitioner to believe that the petitioner or his or her minor child or children are in imminent danger of becoming victims of any act of domestic violence.
- Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.

Following the final evidentiary hearing, if the court determines that the petitioner is either a domestic violence victim or has reasonable cause to believe he or she is in imminent danger of becoming a domestic violence victim, it may issue a permanent domestic violence injunction.²⁷ However, if, after hearing evidence and testimony from the parties, the court finds no merit in the petitioner's case, the court may deny the injunction and dismiss the case.

A court issuing a permanent domestic violence injunction may grant relief including:

- Restraining the respondent from committing any acts of domestic violence;
- Awarding to the petitioner the exclusive use and possession of a shared residence or excluding the respondent from the petitioner's residence;
- Providing the petitioner with 100 percent of the timesharing in a parenting plan;
- Establishing temporary support for a minor child or for the petitioner;
- Ordering the respondent to participate in treatment, intervention, or counseling services;
- Referring a petitioner to a certified domestic violence center; and
- Ordering relief it deems necessary to protect a domestic violence victim.²⁸

The terms of a permanent domestic violence injunction remain in effect until the defined period of the injunction expires, or the injunction is modified or dissolved, and either party may move at any time for modification or dissolution.²⁹

[Injunction for Protection from Repeat, Sexual, or Dating Violence](#)

Separate and apart from the criminal actions established relating to domestic violence, Florida recognizes repeat violence, sexual violence, and dating violence as offenses for which a victim may seek civil injunctive protection. Pursuant to [s. 784.046\(2\), F.S.](#), there is a separate cause of action for an injunction for protection in cases of repeat violence,³⁰ sexual violence, and dating violence. Under [s. 784.046, F.S.](#), any person who is the victim of repeat violence, sexual violence, or dating violence, as well as the parent or guardian of a minor who is living at home and is the victim of such violence, may file a sworn petition for an injunction for protection with the circuit court.³¹

Once a petition has been filed, the court must set a hearing to be held as soon as possible.³² If, after reviewing the petition, the court believes that an immediate and present danger of violence exists, the court may grant a temporary ex parte injunction. The temporary injunction is only valid for 15 days unless it is continued by the court.

²⁷ *Id.*

²⁸ [S. 741.30\(6\)\(a\), F.S.](#)

²⁹ [S. 741.30\(6\)\(c\), F.S.](#)

³⁰ "Repeat violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed at the petitioner, or the petitioner's immediate family member. [S. 784.046\(1\)\(b\), F.S.](#)

³¹ [S. 784.064\(2\), F.S.](#)

³² [S. 784.064\(5\), F.S.](#)

Similar to an injunction for protection against domestic violence, a court may grant an ex parte temporary injunction in response to a petitioner's petition for injunction for protection against repeat violence, sexual violence, or dating violence. Upon proper notice and a final evidentiary hearing, the court may grant such relief as it deems appropriate, including the issuance of a final injunction.³³

[Injunction for Protection from Stalking](#)

In addition to the criminal actions covered by an injunction for protection against domestic violence, Florida recognizes stalking as an offense for which a victim may seek civil injunctive protection. Pursuant to [s. 784.0485\(1\), F.S.](#), civil injunctive protection against stalking includes protection against offenses of cyberstalking as defined under [s. 784.048\(1\)\(d\), F.S.](#) A protective injunction against stalking under [s. 784.0485, F.S.](#) is available to a broader group of victims than the traditional domestic violence injunction, which, generally, is limited in its availability to members of the same household or family. Any person who is the victim of stalking or the parent or legal guardian of a minor child who is living at home who seeks an injunction for protection against stalking on behalf of the minor child has standing to file a sworn petition for such an injunction.³⁴

Similar to an injunction for protection against domestic violence, a court may:

- Deny the petition and provide written findings explaining the denial; or
- Grant an ex parte temporary injunction in response to a petitioner's petition for injunction for protection against stalking.

Upon proper notice and a final evidentiary hearing, the court may grant such relief as it deems appropriate, including the issuance of a final injunction.³⁵

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<u>Civil Justice & Claims Subcommittee</u>	15 Y, 0 N	1/21/2025	Jones	Mathews
<u>Justice Budget Subcommittee</u>				
<u>Judiciary Committee</u>				

³³ *Id.*

³⁴ [S. 784.0845\(1\), F.S.](#)

³⁵ [S. 784.0845\(6\)\(a\), F.S.](#)