

1 A bill to be entitled
2 An act relating to interpersonal violence injunctions;
3 amending s. 741.30, F.S.; revising the required forms,
4 motions, and information all clerk of the court
5 offices must provide to assist petitioners; requiring
6 the court, upon the filing of a domestic violence
7 petition, to review the petition ex parte and set a
8 final hearing at the earliest possible time under
9 certain circumstances; requiring that a respondent be
10 personally served by a law enforcement officer if a
11 final hearing is set; revising the factors the court
12 is required to consider and evaluate in determining
13 whether a petitioner has reasonable cause to believe
14 that he or she is in imminent danger of becoming a
15 victim of domestic violence; revising what the clerk
16 of the court, within a specified timeframe after the
17 court sets the case for a final hearing, is required
18 to transmit to the sheriff or a law enforcement agency
19 for service; requiring a respondent, within 1 business
20 day after being served, to file a designation of his
21 or her mailing or e-mail address with the clerk of the
22 court for subsequent service; revising the
23 circumstances under which the clerk of the court must
24 mail or e-mail certified copies of certain orders to
25 the parties; specifying that service by e-mail is

complete upon e-mailing; revising the name of the Domestic and Repeat Violence Injunction Statewide Verification System created within the Department of Law Enforcement to the Statewide Injunction Verification System; revising the injunctions required to be maintained in the system; revising the circumstances under which the clerk of the court must mail or e-mail certified copies of certain orders to the parties; requiring the court, upon the filing of a petition, to review the petition ex parte and set a final hearing at the earliest possible time under certain circumstances; making technical and conforming changes; amending s. 784.046, F.S.; prohibiting a court from issuing mutual orders of protection; revising the required forms, motions, and information the clerks of the court must provide to assist petitioners unrepresented by counsel; requiring that a respondent be personally served by a law enforcement officer if a final hearing is set; requiring that a court's denial of a petition for an ex parte temporary injunction be by certain written order; specifying that good cause for a continuance includes obtaining service of process by any party; requiring that all specified proceedings be recorded; requiring a respondent, within 1 business day after being served,

51 to file a designation of his or her mailing or e-mail
52 address with the clerk of the court for subsequent
53 service; revising the circumstances under which the
54 clerk of the court must mail or e-mail certified
55 copies of certain orders to the parties; specifying
56 that service by mail or e-mail is complete upon
57 mailing or e-mailing; requiring the clerk of the court
58 to prepare a certain written certification when a
59 certain order is served by the clerk; revising the
60 name of the Domestic and Repeat Violence Injunction
61 Statewide Verification System created within the
62 Department of Law Enforcement to the Statewide
63 Injunction Verification System; revising the
64 injunctions required to be maintained in the system;
65 specifying the circumstances under which the clerk of
66 the court must mail or e-mail certified copies of
67 certain injunction orders to the parties; specifying
68 that service by mail or e-mail is complete upon
69 mailing or e-mailing; providing requirements regarding
70 service of process; making technical and conforming
71 changes; amending s. 784.0485, F.S.; revising the
72 required forms, motions, and information all clerk of
73 the court offices must provide to assist petitioners;
74 requiring the court, upon the filing of a petition for
75 an injunction for protection against stalking, to

76 review the petition ex parte and set a final hearing
77 at the earliest possible time under certain
78 circumstances; requiring that a respondent be
79 personally served by a law enforcement officer if a
80 final hearing is set; revising what the clerk of the
81 court, within a specified timeframe after the court
82 sets the case for a final hearing, is required to
83 transmit to the sheriff or a law enforcement agency
84 for service; requiring a respondent, within 1 business
85 day after being served, to file a designation of his
86 or her mailing or e-mail address with the clerk of the
87 court for subsequent service; revising the
88 circumstances under which the clerk of the court must
89 mail or e-mail certified copies of certain orders to
90 the parties; specifying that service by e-mail is
91 complete upon e-mailing; specifying the circumstances
92 under which the clerk of the court must mail or e-mail
93 certified copies of certain orders to the parties;
94 specifying that service by mail or e-mail is complete
95 upon mailing or e-mailing; requiring the clerk of the
96 court to prepare a certain written certification when
97 a certain order is served by the clerk; making
98 technical and conforming changes; amending ss. 61.1825
99 and 943.05, F.S.; conforming provisions to changes
100 made by the act; reenacting ss. 39.504(5),

44.407(3)(b), 61.125(4)(b), and 741.29(1), F.S., relating to injunctions and penalties, the elder-focused dispute resolution process, parenting coordination, and investigation of domestic violence incidents, respectively, to incorporate the amendment made to s. 741.30, F.S., in references thereto; providing an effective date.

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

Section 1. Section 741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; Statewide Injunction Verification System; enforcement; public records exemption.—

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

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

(b) This cause of action for an injunction may be sought

126 whether or not any other cause of action is currently pending
127 between the parties. However, the pendency of any such cause of
128 action shall be alleged in the petition.

129 (c) In the event a subsequent cause of action is filed
130 under chapter 61, any orders entered therein shall take
131 precedence over any inconsistent provisions of an injunction
132 issued under this section which addresses matters governed by
133 chapter 61.

134 (d) A person's right to petition for an injunction shall
135 not be affected by such person having left a residence or
136 household to avoid domestic violence.

137 (e) This cause of action for an injunction may be sought
138 by family or household members. No person shall be precluded
139 from seeking injunctive relief pursuant to this chapter solely
140 on the basis that such person is not a spouse.

141 (f) This cause of action for an injunction shall not
142 require that either party be represented by an attorney.

143 (g) Any person, including an officer of the court, who
144 offers evidence or recommendations relating to the cause of
145 action must either present the evidence or recommendations in
146 writing to the court with copies to each party and their
147 attorney, or must present the evidence under oath at a hearing
148 at which all parties are present.

149 (h) Nothing in this section shall affect the title to any
150 real estate.

151 (i) The court is prohibited from issuing mutual orders of
152 protection. This does not preclude the court from issuing
153 separate injunctions for protection against domestic violence
154 where each party has complied with the provisions of this
155 section. Compliance with the provisions of this section cannot
156 be waived.

157 (j) Notwithstanding any provision of chapter 47, a
158 petition for an injunction for protection against domestic
159 violence may be filed in the circuit where the petitioner
160 currently or temporarily resides, where the respondent resides,
161 or where the domestic violence occurred. There is no minimum
162 requirement of residency to petition for an injunction for
163 protection.

164 (2)(a) Notwithstanding any other law, the assessment of a
165 filing fee for a petition for protection against domestic
166 violence is prohibited. However, subject to legislative
167 appropriation, the clerk of the circuit court may, on a
168 quarterly basis, submit to the Justice Administrative Commission
169 a certified request for reimbursement for petitions for
170 protection against domestic violence issued by the court, at the
171 rate of \$40 per petition. The request for reimbursement must be
172 submitted in the form and manner prescribed by the Justice
173 Administrative Commission. From this reimbursement, the clerk
174 shall pay any law enforcement agency serving the injunction the
175 fee requested by the law enforcement agency; however, this fee

176 may not exceed \$20.

177 (b) No bond shall be required by the court for the entry
178 of an injunction.

179 (c)1. The clerk of the court shall assist petitioners in
180 seeking both injunctions for protection against domestic
181 violence and enforcement for a violation thereof as specified in
182 this section.

183 2. All clerks' offices shall provide simplified petition
184 forms for the injunction, any motion for modifications, any
185 motion for ~~and~~ the enforcement thereof, and a designation of
186 mailing and e-mail addresses for service, including instructions
187 for completion.

188 3. The clerk of the court shall advise petitioners of the
189 opportunity to apply for a certificate of indigence in lieu of
190 prepayment for the cost of the filing fee, as provided in
191 paragraph (a).

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

195 5. The clerk of the court shall provide petitioners with a
196 minimum of two certified copies of the order of the temporary
197 injunction, one of which is serviceable and will inform the
198 petitioner of the process for service and enforcement.

199 6. Clerks of court and appropriate staff in each county
200 shall receive training in the effective assistance of

petitioners as provided or approved by the Florida Association of Court Clerks.

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

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

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

(b) The verified petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

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

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

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

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

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

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

Race.....

Sex.....

Date of birth.....

Height.....

Weight.....

Eye color.....

Hair color.....

Distinguishing marks or scars.....

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

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

(g) The following describes any other cause of action

currently pending between the petitioner and respondent:....

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

Case numbers should be included if available.

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

....committed or threatened to commit domestic violence defined in s. 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another. With the exception of persons who are parents of a child in

276 common, the family or household members must be currently
277 residing or have in the past resided together in the same single
278 dwelling unit.

279previously threatened, harassed, stalked, or physically
280 abused the petitioner.

281attempted to harm the petitioner or family members or
282 individuals closely associated with the petitioner.

283threatened to conceal, kidnap, or harm the petitioner's
284 child or children.

285intentionally injured or killed a family pet.

286used, or has threatened to use, against the petitioner
287 any weapons such as guns or knives.

288physically restrained the petitioner from leaving the
289 home or calling law enforcement.

290a criminal history involving violence or the threat of
291 violence (if known).

292another order of protection issued against him or her
293 previously or from another jurisdiction (if known).

294destroyed personal property, including, but not limited
295 to, telephones or other communication equipment, clothing, or
296 other items belonging to the petitioner.

297engaged in a pattern of abusive, threatening,
298 intimidating, or controlling behavior composed of a series of
299 acts over a period of time, however short.

300engaged in any other behavior or conduct that leads the

petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

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

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

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

....Petitioner is unable to obtain safe alternative housing because:

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

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

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

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

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

....Awarding to the petitioner the temporary exclusive use

and possession of the dwelling that the parties share or
excluding the respondent from the residence of the petitioner.

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

....Designating that the exchange of the minor child or
children of the parties must occur at a neutral safe exchange
location as provided in s. 125.01(8) or a location authorized by
a supervised visitation program as defined in s. 753.01 if
temporary time-sharing of the child is awarded to the
respondent.

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

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

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

(c) Every petition for an injunction against domestic
violence must contain, directly above the signature line, a
statement in all capital letters and bold type not smaller than

the surrounding text, as follows:

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

...(initials)...

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

(4) Upon the filing of the petition, the court shall
review the petition ex parte. The court must set a final hearing
to be held at the earliest possible time if it appears the
petitioner is a victim of domestic violence or has reasonable
cause to believe he or she is in imminent danger of becoming a
victim of domestic violence. If a final hearing is set, the
respondent must ~~shall~~ be personally served by a law enforcement
officer with a copy of the petition, financial affidavit,

376 Uniform Child Custody Jurisdiction and Enforcement Act
377 affidavit, if any, notice of final hearing, and temporary
378 injunction, if any, before ~~prior to~~ the final hearing.

379 (5) (a) Upon review of the petition, if it appears to the
380 court that an immediate and present danger of domestic violence
381 exists, the court may grant a temporary injunction ex parte,
382 pending a final ~~full~~ hearing, and may grant such relief as the
383 court deems proper, including an injunction:

384 1. Restraining the respondent from committing any acts of
385 domestic violence.

386 2. Awarding to the petitioner the temporary exclusive use
387 and possession of the dwelling that the parties share or
388 excluding the respondent from the residence of the petitioner.

389 3. On the same basis as provided in s. 61.13, providing
390 the petitioner a temporary parenting plan, including a time-
391 sharing schedule, which may award the petitioner up to 100
392 percent of the time-sharing. If temporary time-sharing is
393 awarded to the respondent, the exchange of the child must occur
394 at a neutral safe exchange location as provided in s. 125.01(8)
395 or a location authorized by a supervised visitation program as
396 defined in s. 753.01 if the court determines it is in the best
397 interests of the child after consideration of all of the factors
398 specified in s. 61.13(3). The temporary parenting plan remains
399 in effect until the order expires or an order is entered by a
400 court of competent jurisdiction in a pending or subsequent civil

401 action or proceeding affecting the placement of, access to,
402 parental time with, adoption of, or parental rights and
403 responsibilities for the minor child.

404 4. If the petitioner and respondent have an existing
405 parenting plan or time-sharing schedule under another court
406 order, designating that the exchange of the minor child or
407 children of the parties must occur at a neutral safe exchange
408 location as provided in s. 125.01(8) or a location authorized by
409 a supervised visitation program as defined in s. 753.01 if the
410 court determines it is in the best interests of the child after
411 consideration of all of the factors specified in s. 61.13(3).

412 5. Awarding to the petitioner the temporary exclusive
413 care, possession, or control of an animal that is owned,
414 possessed, harbored, kept, or held by the petitioner, the
415 respondent, or a minor child residing in the residence or
416 household of the petitioner or respondent. The court may order
417 the respondent to temporarily have no contact with the animal
418 and prohibit the respondent from taking, transferring,
419 encumbering, concealing, harming, or otherwise disposing of the
420 animal. This subparagraph does not apply to an animal owned
421 primarily for a bona fide agricultural purpose, as defined under
422 s. 193.461, or to a service animal, as defined under s. 413.08,
423 if the respondent is the service animal's handler.

424 (b) Except as provided in s. 90.204, in an ex parte review
425 or an ~~a hearing~~ ex parte hearing for the purpose of obtaining

such ex parte temporary injunction, no evidence other than verified pleadings or affidavits shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing. A denial of a petition for an ex parte temporary injunction shall be by written order noting the legal grounds for denial. When the only ground for denial is no appearance of an immediate and present danger of domestic violence, the court shall set a final ~~full~~ hearing on the petition for injunction with notice at the earliest possible time. Nothing herein affects a petitioner's right to promptly amend any petition, or otherwise be heard in person on any petition consistent with the Florida Rules of Civil Procedure.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A final ~~full~~ hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing before or during a hearing for good cause shown by any party, which shall include a continuance to obtain service of process. Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.

(6) (a) Upon notice and final hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of

domestic violence, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in chapter 61, providing the petitioner with 100 percent of the time-sharing in a temporary parenting plan that remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

4. If the petitioner and respondent have an existing parenting plan or time-sharing schedule under another court order, designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court determines it is in the best interests of the child after consideration of all of the factors specified in s. 61.13(3).

5. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or

476 the petitioner. An order of temporary support remains in effect
477 until the order expires or an order is entered by a court of
478 competent jurisdiction in a pending or subsequent civil action
479 or proceeding affecting child support.

480 6. Ordering the respondent to participate in treatment,
481 intervention, or counseling services to be paid for by the
482 respondent. When the court orders the respondent to participate
483 in a batterers' intervention program, the court, or any entity
484 designated by the court, must provide the respondent with a list
485 of batterers' intervention programs from which the respondent
486 must choose a program in which to participate.

487 7. Referring a petitioner to a certified domestic violence
488 center. The court must provide the petitioner with a list of
489 certified domestic violence centers in the circuit which the
490 petitioner may contact.

491 8. Awarding to the petitioner the exclusive care,
492 possession, or control of an animal that is owned, possessed,
493 harbored, kept, or held by the petitioner, the respondent, or a
494 minor child residing in the residence or household of the
495 petitioner or respondent. The court may order the respondent to
496 have no contact with the animal and prohibit the respondent from
497 taking, transferring, encumbering, concealing, harming, or
498 otherwise disposing of the animal. This subparagraph does not
499 apply to an animal owned primarily for a bona fide agricultural
500 purpose, as defined under s. 193.461, or to a service animal, as

defined under s. 413.08, if the respondent is the service animal's handler.

9. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

(b) In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

1. The history between the petitioner and the respondent, including threats, harassment, stalking, strangulation, or other ~~and~~ physical abuse.

2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.

4. Whether the respondent has intentionally injured or killed a family pet.

5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.

6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.

526 7. Whether the respondent has a criminal history involving
527 violence or the threat of violence.

528 8. The existence of a verifiable order of protection
529 issued previously or from another jurisdiction.

530 9. Whether the respondent has destroyed personal property,
531 including, but not limited to, telephones or other
532 communications equipment, clothing, or other items belonging to
533 the petitioner.

534 10. Whether the respondent has or had engaged in a pattern
535 of abusive, threatening, intimidating, or controlling behavior
536 composed of a series of acts over a period of time, however
537 short, which evidences a continuity of purpose and which
538 reasonably causes the petitioner to believe that the petitioner
539 or his or her minor child or children are in imminent danger of
540 becoming victims of any act of domestic violence.

541 11. Whether the respondent engaged in any other behavior
542 or conduct that leads the petitioner to have reasonable cause to
543 believe that he or she is in imminent danger of becoming a
544 victim of domestic violence.

545
546 In making its determination under this paragraph, the court is
547 not limited to those factors enumerated in subparagraphs 1.-11.

548 (c) The terms of an injunction restraining the respondent
549 under subparagraph (a)1. or ordering other relief for the
550 protection of the victim under subparagraph (a)9. shall remain

551 in effect until modified or dissolved. Either party may move at
552 any time to modify or dissolve the injunction. No specific
553 allegations are required. Such relief may be granted in addition
554 to other civil or criminal remedies.

555 (d) A temporary or final ~~judgment on~~ injunction for
556 protection against domestic violence entered under this section
557 shall, on its face, indicate that:

558 1. The injunction is valid and enforceable in all counties
559 of the State of Florida.

560 2. Law enforcement officers may use their arrest powers
561 under s. 901.15(6) to enforce the terms of the injunction.

562 3. The court had jurisdiction over the parties and matter
563 under the laws of Florida and that reasonable notice and
564 opportunity to be heard was given to the person against whom the
565 order is sought sufficient to protect that person's right to due
566 process.

567 4. The date the respondent was served with the temporary
568 or final order, if obtainable.

569 (e) An injunction for protection against domestic violence
570 entered under this section, on its face, may order that the
571 respondent attend a batterers' intervention program as a
572 condition of the injunction. Unless the court makes written
573 factual findings in its judgment or order which are based on
574 substantial evidence, stating why batterers' intervention
575 programs would be inappropriate, the court shall order the

576 respondent to attend a batterers' intervention program if:

577 1. It finds that the respondent willfully violated the
578 temporary ex parte injunction;

579 2. The respondent, in this state or any other state, has
580 been convicted of, had adjudication withheld on, or pled nolo
581 contendere to a crime involving violence or a threat of
582 violence; or

583 3. The respondent, in this state or any other state, has
584 had at any time a prior injunction for protection entered
585 against the respondent after a hearing with notice.

586 (f) The fact that a separate order of protection is
587 granted to each opposing party is not legally sufficient to deny
588 any remedy to either party or to prove that the parties are
589 equally at fault or equally endangered.

590 (g) A final ~~judgment on~~ injunction for protection against
591 domestic violence entered under this section must, on its face,
592 indicate that it is a violation of s. 790.233, and a first
593 degree misdemeanor, for the respondent to have in his or her
594 care, custody, possession, or control any firearm or ammunition.

595 (h) All proceedings under this subsection shall be
596 recorded. Recording may be by electronic means as provided by
597 the Rules of General Practice and Judicial Administration.

598 (7) The court shall allow an advocate from a state
599 attorney's office, an advocate from a law enforcement agency, or
600 an advocate from a certified domestic violence center who is

601 registered under s. 39.905 to be present with the petitioner or
602 respondent during any court proceedings or hearings related to
603 the injunction for protection, provided the petitioner or
604 respondent has made such a request and the advocate is able to
605 be present.

606 (8)(a)1. Within 24 hours after the court sets the case for
607 a final hearing ~~issues an injunction for protection against~~
608 ~~domestic violence~~, the clerk of the court shall electronically
609 transmit a copy of the petition, designation of mailing and e-
610 mail addresses for service, financial affidavit, Uniform Child
611 Custody Jurisdiction and Enforcement Act affidavit, if any,
612 notice of hearing, and temporary injunction, if any, to the
613 sheriff or a law enforcement agency of the county where the
614 respondent resides or can be found, who shall serve it upon the
615 respondent as soon thereafter as possible on any day of the week
616 and at any time of the day or night. The respondent shall file a
617 designation of mailing and e-mail addresses with the clerk of
618 the court for subsequent service within 1 business day after the
619 respondent has been personally served. An electronic copy of the
620 temporary ~~an~~ injunction must be certified by the clerk of the
621 court, and the electronic copy must be served in the same manner
622 as a certified copy. Upon receiving an electronic copy of the
623 temporary injunction, the sheriff must verify receipt with the
624 sender before attempting to serve it upon the respondent. In
625 addition, if the sheriff is in possession of a temporary ~~an~~

injunction for protection that has been certified by the clerk of the court, the sheriff may electronically transmit a copy of that temporary injunction to a law enforcement officer who shall serve it in the same manner as a certified copy. The clerk of the court is responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section.

Notwithstanding any other law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency serving injunctions pursuant to this section must use service and verification procedures consistent with those of the sheriff.

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

3. All orders issued, changed, continued, extended, or vacated subsequent to the original service of documents enumerated under subparagraph 1. must be certified by the clerk of the court and delivered to the parties at the time of the entry of the subsequent order, if a party is physically present before the court. The parties may acknowledge receipt of such order in writing on the face of the original order. If ~~in the event~~ a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible or the parties have appeared through audio-video communication technology, the clerk must ~~shall~~ mail or e-mail certified copies of the order to the parties at the last known physical or e-mail address of each party. Service by mail or e-mail is complete upon mailing or e-mailing. When an order is served by the clerk of the court pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

If the respondent has been served by a law enforcement officer ~~previously~~ with the temporary injunction or a notice of hearing on a ~~and has failed to appear at the initial hearing on the~~ temporary injunction, any subsequent petition for injunction seeking an extension of time, any subsequent temporary or final

676 injunction, or any subsequent order may be served on the
677 respondent by the clerk of the court by certified mail or e-mail
678 in lieu of personal service by a law enforcement officer.

679 (b) A ~~Domestic and Repeat Violence Injunction~~ Statewide
680 Injunction Verification System is created within the Department
681 of Law Enforcement. The department shall establish, implement,
682 and maintain a statewide communication system capable of
683 electronically transmitting information to and between criminal
684 justice agencies relating to domestic violence injunctions,
685 dating violence injunctions, sexual violence injunctions, and
686 repeat violence injunctions, and stalking injunctions issued by
687 the courts throughout the state. Such information must include,
688 but is not limited to, information as to the existence and
689 status of any injunction for verification purposes.

690 (c)1. Within 24 hours after the court issues a temporary
691 ~~an~~ injunction for protection against domestic violence ~~or~~
692 ~~changes, continues, extends, or vacates an injunction for~~
693 ~~protection against domestic violence,~~ the clerk of the court
694 must electronically transmit a certified copy of the injunction
695 for service to the sheriff with jurisdiction over the residence
696 of the petitioner. The injunction must be served in accordance
697 with this subsection.

698 2. Within 24 hours after service of process of an
699 injunction for protection against domestic violence upon a
700 respondent, the law enforcement officer must electronically

701 transmit the written proof of service of process to the sheriff
702 with jurisdiction over the residence of the petitioner.

703 3. Within 24 hours after the sheriff receives a certified
704 copy of the injunction for protection against domestic violence,
705 the sheriff must make information relating to the injunction
706 available to other law enforcement agencies by electronically
707 transmitting such information to the department.

708 4. Within 24 hours after the sheriff or other law
709 enforcement officer has made service upon the respondent and the
710 sheriff has been so notified, the sheriff must make information
711 relating to the service available to other law enforcement
712 agencies by electronically transmitting such information to the
713 department.

714 5. Within 24 hours after the court issues a final
715 injunction for protection after a hearing or changes, continues,
716 extends, or vacates an injunction for protection against
717 domestic violence, the clerk must mail or e-mail certified
718 copies of the injunction order to the last known physical or e-
719 mail address of each party. Service by mail or e-mail is
720 complete upon mailing or e-mailing. When an order is served
721 pursuant to this subsection by the clerk of the court, the clerk
722 shall prepare a written certification to be placed in the court
723 file specifying the time, date, and method of service. The clerk
724 of the court must electronically transmit a certified copy of
725 the injunction to the sheriff with jurisdiction over the

726 residence of the petitioner. Within 24 hours after the sheriff
727 receives a certified copy of the injunction for protection
728 against domestic violence under this subsection, the sheriff
729 must make information relating to the injunction available to
730 other law enforcement agencies by electronically transmitting
731 such information to the department.

732 6. Subject to available funding, the Florida Association
733 of Court Clerks and Comptrollers shall develop an automated
734 process by which a petitioner may request notification of
735 service of the injunction for protection against domestic
736 violence and other court actions related to the injunction for
737 protection. The automated notice must be made within 12 hours
738 after the sheriff or other law enforcement officer serves the
739 injunction upon the respondent. The notification must include,
740 at a minimum, the date, time, and location where the injunction
741 for protection against domestic violence was served. The Florida
742 Association of Court Clerks and Comptrollers may apply for any
743 available grants to fund the development of the automated
744 process.

745 ~~7.6.~~ Within 24 hours after an injunction for protection
746 against domestic violence is vacated, terminated, or otherwise
747 rendered no longer effective by ruling of the court, the clerk
748 of the court must notify the sheriff receiving original
749 notification of the injunction as provided in subparagraph 2.
750 That agency shall, within 24 hours after receiving such

notification from the clerk of the court, notify the department of such action of the court.

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

(9) (a) The court may enforce a violation of an injunction for protection against domestic violence through a civil or criminal contempt proceeding, or the state attorney may prosecute it as a criminal violation under s. 741.31. The court may enforce the respondent's compliance with the injunction through any appropriate civil and criminal remedies, including, but not limited to, a monetary assessment or a fine. The clerk of the court shall collect and receive such assessments or fines. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Domestic Violence Trust Fund established in s. 741.01.

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) or for a violation of s. 741.31, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.

(10) The petitioner or the respondent may move the court

776 to modify or dissolve an injunction at any time.

777 **Section 2. Paragraph (a) of subsection (3), paragraph (b)**
778 **of subsection (4), and subsections (5) through (9) of section**
779 **784.046, Florida Statutes, are amended, and paragraph (f) is**
780 **added to subsection (2) of that section, to read:**

781 784.046 Action by victim of repeat violence, sexual
782 violence, or dating violence for protective injunction; dating
783 violence investigations, notice to victims, and reporting;
784 pretrial release violations; public records exemption.—

785 (2) There is created a cause of action for an injunction
786 for protection in cases of repeat violence, there is created a
787 separate cause of action for an injunction for protection in
788 cases of dating violence, and there is created a separate cause
789 of action for an injunction for protection in cases of sexual
790 violence.

791 (f) The court is prohibited from issuing mutual orders of
792 protection. This does not preclude the court from issuing
793 separate injunctions for protection against repeat violence,
794 sexual violence, or dating violence if each party has complied
795 with this section. Compliance with this section may not be
796 waived.

797 (3) (a) The clerk of the court shall provide a copy of this
798 section, simplified forms for the injunction, a designation of
799 mailing and e-mail addresses for service, and clerical
800 assistance for the preparation and filing of such a petition by

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any person who is not represented by counsel.

(4)

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

PETITION FOR INJUNCTION FOR PROTECTION
AGAINST REPEAT VIOLENCE, SEXUAL
VIOLENCE, OR DATING VIOLENCE

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

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

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

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

.....

.....

826
 827 b. Petitioner has suffered sexual violence as demonstrated
 828 by the fact that the respondent has: ...(enumerate incident of
 829 violence and include incident report number from law enforcement
 830 agency or attach notice of inmate release)...

831
 832
 833

834 c. Petitioner is a victim of dating violence and has
 835 reasonable cause to believe that he or she is in imminent danger
 836 of becoming the victim of another act of dating violence or has
 837 reasonable cause to believe that he or she is in imminent danger
 838 of becoming a victim of dating violence, as demonstrated by the
 839 fact that the respondent has: ...(list the specific incident or
 840 incidents of violence and describe the length of time of the
 841 relationship, whether it has been in existence during the last 6
 842 months, the nature of the relationship of a romantic or intimate
 843 nature, the frequency and type of interaction, and any other
 844 facts that characterize the relationship)...

845
 846
 847

848 4. Petitioner genuinely fears repeat violence by the
849 respondent.

850 5. Petitioner seeks: an immediate injunction against the
851 respondent, enjoining him or her from committing any further
852 acts of violence; an injunction enjoining the respondent from
853 committing any further acts of violence; and an injunction
854 providing any terms the court deems necessary for the protection
855 of the petitioner and the petitioner's immediate family,
856 including any injunctions or directives to law enforcement
857 agencies.

858
859 (5) Upon the filing of the petition, the court shall
860 review the petition ex parte. The court must set a final hearing
861 to be held at the earliest possible time if it appears that the
862 petitioner meets the criteria of paragraph (2)(a), paragraph
863 (2)(b), or paragraph (2)(c). If a final hearing is set, the
864 respondent must ~~shall~~ be personally served by a law enforcement
865 officer with a copy of the petition, designation of mailing and
866 e-mail addresses, notice of final hearing, and temporary
867 injunction, if any, before ~~prior to~~ the final hearing.

868 (6)(a) Upon review of the petition, if ~~When~~ it appears to
869 the court that an immediate and present danger of violence
870 exists, the court may grant a temporary injunction ex parte
871 ~~which may be granted in an ex parte hearing, pending a final~~
872 ~~full~~ hearing, and may grant such relief as the court deems

proper, including an injunction enjoining the respondent from committing any acts of violence.

(b) Except as provided in s. 90.204, in an ~~a hearing~~ ex parte review or hearing for the purpose of obtaining such temporary injunction, ~~no~~ evidence other than the verified pleadings or affidavits may not ~~pleading or affidavit shall~~ be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing. A court's denial of a petition for an ex parte temporary injunction must be by written order noting the legal grounds for the denial. When the only grounds for denial is no appearance of an immediate and present danger of violence, the court may set a final hearing on the petition without issuing a temporary injunction with notice at the earliest possible time. This paragraph does not affect a petitioner's right to promptly dismiss a petition, amend a petition, or otherwise be heard in person on a petition consistent with the Florida Rules of Civil Procedure.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. However, an ex parte temporary injunction granted under subparagraph (2)(c)2. is effective for 15 days following the date the respondent is released from incarceration. If a final ~~A full~~ hearing is set, it must ~~as provided by this section, shall~~ be set for a date no later than the date when the temporary

injunction ceases to be effective. The court may grant a continuance of the temporary ~~ex parte~~ injunction before or during the final ~~and the full hearing before or during a~~ hearing, for good cause shown by any party, which includes a continuance to obtain service of process. Any injunction must be extended if necessary to remain in full force and effect during any period of continuance.

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

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

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

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

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

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

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

925 3. The court had jurisdiction over the parties and matter
926 under the laws of Florida and that reasonable notice and
927 opportunity to be heard was given to the person against whom the
928 order is sought sufficient to protect that person's right to due
929 process.

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

932 5. All proceedings under this paragraph must be recorded.
933 Recording may be by electronic means as provided by the Rules of
934 General Practice and Judicial Administration.

935 (8)(a)1. Within 24 hours after the court sets the case for
936 a final hearing ~~issues an injunction for protection against~~
937 ~~repeat violence, sexual violence, or dating violence,~~ the clerk
938 of the court shall electronically transmit a copy of the
939 petition, designation of mailing and e-mail addresses for
940 service, notice of hearing, and temporary injunction, if any, to
941 the sheriff or a law enforcement agency of the county where the
942 respondent resides or can be found, who shall serve it upon the
943 respondent as soon thereafter as possible on any day of the week
944 and at any time of the day or night. The respondent shall file a
945 designation of mailing or e-mail addresses with the clerk of the
946 court for subsequent service within 1 business day after the
947 respondent has been personally served. An electronic copy of the

948 temporary ~~an~~ injunction must be certified by the clerk of the
949 court, and the electronic copy must be served in the same manner
950 as a certified copy. Upon receiving an electronic copy of the
951 temporary injunction, the sheriff must verify receipt with the
952 sender before attempting to serve it upon the respondent. In
953 addition, if the sheriff is in possession of the temporary ~~an~~
954 injunction for protection that has been certified by the clerk
955 of the court, the sheriff may electronically transmit a copy of
956 that temporary injunction to a law enforcement officer who shall
957 serve it in the same manner as a certified copy. The clerk of
958 the court is responsible for furnishing to the sheriff such
959 information on the respondent's physical description and
960 location as is required by the department to comply with the
961 verification procedures set forth in this section.

962 Notwithstanding any other law to the contrary, the chief judge
963 of each circuit, in consultation with the appropriate sheriff,
964 may authorize a law enforcement agency within the chief judge's
965 jurisdiction to effect this type of service and to receive a
966 portion of the service fee. A person may not serve or execute a
967 temporary ~~an~~ injunction issued under this section unless the
968 person is a law enforcement officer as defined in chapter 943.

969 2. When an injunction is issued, if the petitioner
970 requests the assistance of a law enforcement agency, the court
971 may order that an officer from the appropriate law enforcement
972 agency accompany the petitioner and assist in the execution or

973 service of the temporary or final injunction. A law enforcement
974 officer must accept a copy of the temporary or final ~~an~~
975 injunction for protection against repeat violence, sexual
976 violence, or dating violence, certified by the clerk of the
977 court, from the petitioner and immediately serve it upon a
978 respondent who has been located but not yet served.

979 3. All orders issued, changed, continued, extended, or
980 vacated subsequent to the original service of documents
981 enumerated under subparagraph 1. must be certified by the clerk
982 of the court and delivered to the parties at the time of the
983 entry of the subsequent order if a party is physically present
984 before the court. The parties may acknowledge receipt of such
985 order in writing on the face of the original order. If a party
986 fails or refuses to acknowledge the receipt of a certified copy
987 of an order, the clerk must note on the original order that
988 service was effected. If delivery at the hearing is not
989 possible, or the parties have appeared through audio-video
990 communication technology, the clerk must mail or e-mail
991 certified copies of the order to the parties at the last known
992 physical or e-mail address of each party. Service by mail or e-
993 mail is complete upon mailing or e-mailing. When an order is
994 served by the clerk of the court pursuant to this subsection,
995 the clerk shall prepare a written certification to be placed in
996 the court file specifying the time, date, and method of service
997 and shall notify the sheriff.

998
999 If the respondent has been served by a law enforcement officer
1000 with the temporary injunction or a notice of hearing on a
1001 temporary injunction, any subsequent petition for injunction
1002 seeking an extension of time, or any subsequent temporary
1003 injunction, final injunction, or order, may be served on the
1004 respondent by the clerk of the court by certified mail or e-
1005 mail, in lieu of personal service by a law enforcement officer.

1006 (b) ~~A Domestic, Dating, Sexual, and Repeat Violence~~
1007 ~~Injunction~~ Statewide Injunction Verification System is created
1008 within the Department of Law Enforcement. The department shall
1009 establish, implement, and maintain a statewide communication
1010 system capable of electronically transmitting information to and
1011 between criminal justice agencies relating to domestic violence
1012 injunctions, dating violence injunctions, sexual violence
1013 injunctions, ~~and~~ repeat violence injunctions, and stalking
1014 injunctions issued by the courts throughout the state. Such
1015 information must include, but is not limited to, information as
1016 to the existence and status of any injunction for verification
1017 purposes.

1018 (c)1. Within 24 hours after the court issues an injunction
1019 for protection against repeat violence, sexual violence, or
1020 dating violence or changes or vacates an injunction for
1021 protection against repeat violence, sexual violence, or dating
1022 violence, the clerk of the court must electronically transmit a

copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner.

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

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

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

5. Within 24 hours after the court issues a final injunction for protection after a hearing or changes, continues, extends, or vacates an injunction for protection against repeat, sexual, or dating violence, the clerk must mail or e-mail certified copies of the injunction order to the last known

physical or e-mail address of each party. Service by mail or e-mail is complete upon mailing or e-mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service. The clerk of the court shall electronically transmit a certified copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against domestic violence under this subsection, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

6. Subject to available funding, the Florida Association of Court Clerks and Comptrollers shall develop an automated process by which a petitioner may request notification of service of the injunction for protection against repeat violence, sexual violence, or dating violence and other court actions related to the injunction for protection. The automated notice must be made within 12 hours after the sheriff or other law enforcement officer serves the injunction upon the respondent. The notification must include, at a minimum, the date, time, and location where the injunction for protection against repeat violence, sexual violence, or dating violence was served. The Florida Association of Court Clerks and Comptrollers

may apply for any available grants to fund the development of the automated process.

~~7.6.~~ Within 24 hours after an injunction for protection against repeat violence, sexual violence, or dating violence is lifted, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff or local law enforcement agency receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

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

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

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) for committing an act of repeat

1098 violence, sexual violence, or dating violence in violation of a
1099 temporary or final ~~an~~ injunction for protection, the respondent
1100 shall be held in custody until brought before the court as
1101 expeditiously as possible for the purpose of enforcing the
1102 injunction and for admittance to bail in accordance with chapter
1103 903 and the applicable rules of criminal procedure, pending a
1104 hearing.

1105 **Section 3. Section 784.0485, Florida Statutes, is amended**
1106 **to read:**

1107 784.0485 Stalking; injunction; powers and duties of court
1108 and clerk; petition; notice and hearing; temporary injunction;
1109 issuance of injunction; Statewide Injunction Verification
1110 System; enforcement.—

1111 (1) There is created a cause of action for an injunction
1112 for protection against stalking. For the purposes of injunctions
1113 for protection against stalking under this section, the offense
1114 of stalking shall include the offense of cyberstalking.

1115 (a) A person who is the victim of stalking or the parent
1116 or legal guardian of a minor child who is living at home who
1117 seeks an injunction for protection against stalking on behalf of
1118 the minor child has standing in the circuit court to file a
1119 verified petition for an injunction for protection against
1120 stalking.

1121 (b) The cause of action for an injunction for protection
1122 may be sought regardless of whether any other cause of action is

1123 currently pending between the parties. However, the pendency of
1124 any such cause of action shall be alleged in the petition.

1125 (c) The cause of action for an injunction may be sought by
1126 any affected person.

1127 (d) The cause of action for an injunction does not require
1128 either party to be represented by an attorney.

1129 (e) The court may not issue mutual orders of protection;
1130 however, the court is not precluded from issuing separate
1131 injunctions for protection against stalking if each party has
1132 complied with this section. Compliance with this section may not
1133 be waived.

1134 (f) Notwithstanding chapter 47, a petition for an
1135 injunction for protection against stalking may be filed in the
1136 circuit where the petitioner currently or temporarily resides,
1137 where the respondent resides, or where the stalking occurred.
1138 There is no minimum requirement of residency to petition for an
1139 injunction for protection.

1140 (2)(a) Notwithstanding any other law, the clerk of court
1141 may not assess a filing fee to file a petition for protection
1142 against stalking. However, subject to legislative appropriation,
1143 the clerk of the circuit court may, on a quarterly basis, submit
1144 to the Justice Administrative Commission a certified request for
1145 reimbursement for petitions for protection against stalking
1146 issued by the court, at the rate of \$40 per petition. The
1147 request for reimbursement must be submitted in the form and

manner prescribed by the Justice Administrative Commission. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed \$20.

(b) A bond is not required by the court for the entry of an injunction.

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

2. All offices of the clerk of the court shall provide simplified petition forms for the injunction and any modifications to and the enforcement thereof, and a designation of mailing and e-mail addresses for service, including instructions for completion.

3. The clerk of the court shall ensure the petitioner's privacy to the extent practicable while completing the forms for an injunction for protection against stalking.

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

5. The clerk of the court and appropriate staff in each county shall receive training in the effective assistance of petitioners as provided or approved by the Florida Association of Court Clerks and Comptrollers.

1173 6. The clerk of the court in each county shall make
1174 available informational brochures on stalking when such a
1175 brochure is provided by the local certified domestic violence
1176 center or certified rape crisis center.

1177 7. The clerk of the court in each county shall distribute
1178 a statewide uniform informational brochure to petitioners at the
1179 time of filing for an injunction for protection against stalking
1180 when such brochures become available. The brochure must include
1181 information about the effect of giving the court false
1182 information.

1183 (3) (a) The verified petition shall allege the existence of
1184 such stalking and shall include the specific facts and
1185 circumstances for which relief is sought.

1186 (b) The verified petition shall be in substantially the
1187 following form:

1188
1189 PETITION FOR INJUNCTION
1190 FOR PROTECTION AGAINST STALKING
1191

1192 The undersigned petitioner ...(name)... declares under
1193 penalties of perjury that the following statements are
1194 true:

1195
1196 1. Petitioner resides at: ...(address)...

1197 (Petitioner may furnish the address to the court in a

1198 separate confidential filing if, for safety reasons,
1199 the petitioner requires the location of the current
1200 residence to be confidential.)

1201 2. Respondent resides at: ...(last known address)...

1202 3. Respondent's last known place of employment:
1203 ...(name of business and address)...

1204 4. Physical description of respondent:

1205 5. Race:

1206 6. Sex:

1207 7. Date of birth:

1208 8. Height:

1209 9. Weight:

1210 10. Eye color:

1211 11. Hair color:

1212 12. Distinguishing marks or scars:

1213 13. Aliases of respondent:

1214
1215 (c) The petitioner shall describe any other cause of
1216 action currently pending between the petitioner and respondent.
1217 The petitioner shall also describe any previous attempt by the
1218 petitioner to obtain an injunction for protection against
1219 stalking in this or any other circuit, and the result of that
1220 attempt. (Case numbers should be included, if available.)

1221 (d) The petition must provide space for the petitioner to
1222 specifically allege that he or she is a victim of stalking

because respondent has:

(Mark all sections that apply and describe in the spaces below the incidents of stalking specifying when and where they occurred, including, but not limited to, locations such as a home, school, or place of employment.)

.... Committed stalking.

.... Previously threatened, harassed, stalked, cyberstalked, or physically abused the petitioner.

.... Threatened to harm the petitioner or family members or individuals closely associated with the petitioner.

.... Intentionally injured or killed a family pet.

.... Used, or threatened to use, against the petitioner any weapons such as guns or knives.

.... A criminal history involving violence or the threat of violence, if known.

.... Another order of protection issued against him or her previously or from another jurisdiction, if known.

.... Destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

(e) The petitioner seeks an injunction:

(Mark appropriate section or sections.)

.... Immediately restraining the respondent from committing any acts of stalking.

.... Restraining the respondent from committing any acts of stalking.

.... Providing any terms the court deems necessary for the protection of a victim of stalking, including any injunctions or directives to law enforcement agencies.

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

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

...(initials)...

1273 (4) Upon the filing of the petition, the court shall
1274 review the petition ex parte. The court must set a final hearing
1275 to be held at the earliest possible time if it appears that the
1276 petitioner is a victim of stalking. If a final hearing is set,
1277 the respondent must ~~shall~~ be personally served by a law
1278 enforcement officer with a copy of the petition, notice of
1279 hearing, and temporary injunction, if any, before the final
1280 hearing.

1281 (5) (a) Upon review of the petition, if it appears to the
1282 court that stalking exists, the court may grant a temporary
1283 injunction ex parte, pending a final ~~full~~ hearing, and may grant
1284 such relief as the court deems proper, including an injunction
1285 restraining the respondent from committing any act of stalking.

1286 (b) Except as provided in s. 90.204, in an ex parte review
1287 or an a hearing ~~ex parte hearing~~ for the purpose of obtaining
1288 such ex parte temporary injunction, evidence other than verified
1289 pleadings or affidavits may not be used as evidence, unless the
1290 respondent appears at the hearing or has received reasonable
1291 notice of the hearing. A denial of a petition for an ex parte
1292 temporary injunction shall be by written order noting the legal
1293 grounds for denial. If the only ground for denial is no
1294 appearance of an immediate and present danger of stalking, the
1295 court shall set a final ~~full~~ hearing on the petition for
1296 injunction with notice at the earliest possible time. This
1297 paragraph does not affect a petitioner's right to promptly amend

any petition, or otherwise be heard in person on any petition consistent with the Florida Rules of Civil Procedure.

(c) Any such ex parte temporary injunction is effective for a fixed period not to exceed 15 days. If a final ~~full~~ hearing is set, as provided in this section, the hearing shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing before or during the final ~~a~~ hearing for good cause shown by any party, which shall include a continuance to obtain service of process. An injunction shall be extended if necessary to remain in full force and effect during any period of continuance.

(6)(a) Upon notice and final hearing, when it appears to the court that the petitioner is the victim of stalking, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any act of stalking.

2. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent.

3. Referring a petitioner to appropriate services. The court may provide the petitioner with a list of certified domestic violence centers, certified rape crisis centers, and other appropriate referrals in the circuit which the petitioner

1323 may contact.

1324 4. Ordering such other relief as the court deems necessary
1325 for the protection of a victim of stalking, including
1326 injunctions or directives to law enforcement agencies, as
1327 provided in this section.

1328 (b) The terms of an injunction restraining the respondent
1329 under subparagraph (a)1. or ordering other relief for the
1330 protection of the victim under subparagraph (a)4. shall remain
1331 in effect until modified or dissolved. Either party may move at
1332 any time to modify or dissolve the injunction. Specific
1333 allegations are not required. Such relief may be granted in
1334 addition to other civil or criminal remedies.

1335 (c) A temporary or final ~~judgment on~~ injunction for
1336 protection against stalking entered pursuant to this section
1337 shall, on its face, indicate:

1338 1. That the injunction is valid and enforceable in all
1339 counties of this state.

1340 2. That law enforcement officers may use their arrest
1341 powers pursuant to s. 901.15(6) to enforce the terms of the
1342 injunction.

1343 3. That the court has jurisdiction over the parties and
1344 matter under the laws of this state and that reasonable notice
1345 and opportunity to be heard was given to the person against whom
1346 the order is sought sufficient to protect that person's right to
1347 due process.

1348 4. The date that the respondent was served with the
1349 temporary or final injunction order, if obtainable.

1350 (d) The fact that a separate injunction order of
1351 ~~protection~~ is granted to each opposing party is not legally
1352 sufficient to deny any remedy to either party or to prove that
1353 the parties are equally at fault or equally endangered.

1354 (e) A final ~~judgment on an~~ injunction for protection
1355 against stalking entered pursuant to this section must, on its
1356 face, provide that it is a violation of s. 790.233 and a
1357 misdemeanor of the first degree for the respondent to have in
1358 his or her care, custody, possession, or control any firearm or
1359 ammunition.

1360 (f) All proceedings under this subsection shall be
1361 recorded. Recording may be by electronic means as provided by
1362 the Rules of General Practice and Judicial Administration.

1363 (7) The court shall allow an advocate from a state
1364 attorney's office, a law enforcement agency, a certified rape
1365 crisis center, or a certified domestic violence center who is
1366 registered under s. 39.905 to be present with the petitioner or
1367 respondent during any court proceedings or hearings related to
1368 the injunction for protection if the petitioner or respondent
1369 has made such a request and the advocate is able to be present.

1370 (8)(a)1. Within 24 hours after the court sets the case for
1371 a final hearing ~~issues an injunction for protection against~~
1372 ~~stalking~~, the clerk of the court shall electronically transmit a

1373 copy of the petition, designation of mailing and e-mail
1374 addresses, notice of hearing, and temporary injunction, if any,
1375 to the sheriff or a law enforcement agency of the county where
1376 the respondent resides or can be found, who shall serve it upon
1377 the respondent as soon thereafter as possible on any day of the
1378 week and at any time of the day or night. The respondent shall
1379 file a designation of mailing or e-mail addresses with the clerk
1380 of the court for subsequent service within 1 business day after
1381 the respondent has been personally served. An electronic copy of
1382 the temporary ~~an~~ injunction must be certified by the clerk of
1383 the court, and the electronic copy must be served in the same
1384 manner as a certified copy. Upon receiving an electronic copy of
1385 the temporary injunction, the sheriff must verify receipt with
1386 the sender before attempting to serve it on the respondent. In
1387 addition, if the sheriff is in possession of a temporary ~~an~~
1388 injunction for protection that has been certified by the clerk
1389 of the court, the sheriff may electronically transmit a copy of
1390 that temporary injunction to a law enforcement officer who shall
1391 serve it in the same manner as a certified copy. The clerk of
1392 the court shall furnish to the sheriff such information
1393 concerning the respondent's physical description and location as
1394 is required by the Department of Law Enforcement to comply with
1395 the verification procedures set forth in this section.
1396 Notwithstanding any other law, the chief judge of each circuit,
1397 in consultation with the appropriate sheriff, may authorize a

1398 law enforcement agency within the jurisdiction to effect
1399 service. A law enforcement agency serving injunctions pursuant
1400 to this section must use service and verification procedures
1401 consistent with those of the sheriff.

1402 2. If an injunction is issued and the petitioner requests
1403 the assistance of a law enforcement agency, the court may order
1404 that an officer from the appropriate law enforcement agency
1405 accompany the petitioner to assist in the execution or service
1406 of the temporary or final injunction. A law enforcement officer
1407 must accept a copy of a temporary or final ~~an~~ injunction for
1408 protection against stalking, certified by the clerk of the
1409 court, from the petitioner and immediately serve it upon a
1410 respondent who has been located but not yet served.

1411 3. An order issued, changed, continued, extended, or
1412 vacated subsequent to the original service of documents
1413 enumerated under subparagraph 1. must be certified by the clerk
1414 of the court and delivered to the parties at the time of the
1415 entry of the subsequent order if a party is physically present
1416 before the court. The parties may acknowledge receipt of such
1417 order in writing on the face of the original order. In the event
1418 ~~If~~ a party fails or refuses to acknowledge the receipt of a
1419 certified copy of an order, the clerk must ~~shall~~ note on the
1420 original order that service was effected. If delivery at the
1421 hearing is not possible, or the parties have appeared through
1422 audio-video communication technology, the clerk must ~~shall~~ mail

1423 or e-mail certified copies of the order to the parties at the
1424 last known physical or e-mail address of each party. Service by
1425 mail or e-mail is complete upon mailing or e-mailing. When an
1426 order is served by the clerk of the court pursuant to this
1427 subsection, the clerk shall prepare a written certification to
1428 be placed in the court file specifying the time, date, and
1429 method of service and shall notify the sheriff.

1430 4. If the respondent has been served by a law enforcement
1431 officer ~~previously~~ with the a temporary injunction or a notice
1432 of hearing on a ~~and has failed to appear at the initial hearing~~
1433 ~~on the~~ temporary injunction, any subsequent petition for
1434 injunction seeking an extension of time and any subsequent
1435 temporary injunction, final injunction, or order may be served
1436 on the respondent by the clerk of the court by certified mail or
1437 e-mail in lieu of personal service by a law enforcement officer.

1438 5. A Statewide Injunction Verification System is created
1439 within the Department of Law Enforcement. The department shall
1440 establish, implement, and maintain a statewide communication
1441 system capable of electronically transmitting information to and
1442 between criminal justice agencies relating to domestic violence
1443 injunctions, dating violence injunctions, sexual violence
1444 injunctions, repeat violence injunctions, and stalking
1445 injunctions issued by the courts throughout this state. Such
1446 information must include, but is not limited to, information as
1447 to the existence and status of any injunction for verification

1448 purposes.

1449 (b)1. Subsequent to the original service of documents in
1450 subparagraph (a)1., the clerk of the court, within 24 hours
1451 after the court issues a final ~~an~~ injunction for protection
1452 against stalking or changes, continues, extends, or vacates a
1453 temporary ~~an~~ injunction for protection against stalking, ~~the~~
1454 ~~clerk of the court~~ must electronically transmit a certified copy
1455 of the injunction for service to the sheriff having jurisdiction
1456 over the residence of the petitioner. The clerk must mail or e-
1457 mail certified copies of the order to the parties to the last
1458 known physical or e-mail address of each party. Service by mail
1459 or e-mail is complete upon mailing or e-mailing. When an order
1460 is served pursuant to this subsection, the clerk shall prepare a
1461 written certification to be placed in the court file specifying
1462 the time, date, and method of service and shall electronically
1463 transmit a certified copy of the order to the sheriff with
1464 jurisdiction over the residence of the petitioner ~~The injunction~~
1465 ~~must be served in accordance with this subsection.~~

1466 2. Within 24 hours after service of process of an
1467 injunction for protection against stalking upon a respondent,
1468 the law enforcement officer must electronically transmit the
1469 written proof of service of process to the sheriff having
1470 jurisdiction over the residence of the petitioner.

1471 3. Within 24 hours after the sheriff receives a certified
1472 copy of the injunction for protection against stalking, the

sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the Department of Law Enforcement.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the Department of Law Enforcement.

5. Within 24 hours after the court issues a final injunction for protection after a hearing or changes, continues, extends, or vacates an injunction for protection against stalking ~~is vacated, terminated, or otherwise rendered no longer effective by ruling of the court,~~ the clerk of the court must mail or e-mail certified copies of the injunction order to the last known physical or e-mail address of each party. Service by mail or e-mail is complete upon mailing or e-mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service. The clerk of the court must electronically transmit a certified copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against stalking

1498 under this subsection, the sheriff must make information
1499 relating to the injunction available to other law enforcement
1500 agencies by electronically transmitting such information to
1501 ~~notify the sheriff receiving original notification of the~~
1502 ~~injunction as provided in subparagraph 2. That agency shall,~~
1503 ~~within 24 hours after receiving such notification from the clerk~~
1504 ~~of the court, notify the Department of Law Enforcement of such~~
1505 ~~action of the court.~~

1506 (c) The petitioner may request a Hope Card under s.
1507 741.311 after the court has issued a final injunction ~~order of~~
1508 ~~protection.~~

1509 (9) (a) The court may enforce a violation of a temporary or
1510 final ~~an~~ injunction for protection against stalking through a
1511 civil or criminal contempt proceeding, or the state attorney may
1512 prosecute it as a criminal violation under s. 784.0487. Any
1513 assessments or fines ordered by the court enforcing such an
1514 injunction shall be collected by the clerk of the court and
1515 transferred on a monthly basis to the State Treasury for deposit
1516 into the Domestic Violence Trust Fund.

1517 (b) If the respondent is arrested by a law enforcement
1518 officer under s. 901.15(6) or for a violation of s. 784.0487,
1519 the respondent shall be held in custody until brought before the
1520 court as expeditiously as possible for the purpose of enforcing
1521 the injunction and for admittance to bail in accordance with
1522 chapter 903 and the applicable rules of criminal procedure,

pending a hearing.

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

Section 4. Paragraph (a) of subsection (3) of section 61.1825, Florida Statutes, is amended to read:

61.1825 State Case Registry.—

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

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

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

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

Section 5. Paragraph (e) of subsection (2) of section

943.05, Florida Statutes, is amended to read:

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

(2) The program shall:

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

Section 6. For the purpose of incorporating the amendment made by this act to section 741.30, Florida Statutes, in a reference thereto, subsection (5) of section 39.504, Florida Statutes, is reenacted to read:

39.504 Injunction; penalty.—

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

1573 **Section 7. For the purpose of incorporating the amendment**
1574 **made by this act to section 741.30, Florida Statutes, in a**
1575 **reference thereto, paragraph (b) of subsection (3) of section**
1576 **44.407, Florida Statutes, is reenacted to read:**

1577 44.407 Elder-focused dispute resolution process.—

1578 (3) REFERRAL.—

1579 (b) The court may not refer a party who has a history of
1580 domestic violence or exploitation of an elderly person to
1581 eldercaring coordination unless the elder and other parties in
1582 the action consent to such referral.

1583 1. The court shall offer each party an opportunity to
1584 consult with an attorney or a domestic violence advocate before
1585 accepting consent to such referral. The court shall determine
1586 whether each party has given his or her consent freely and
1587 voluntarily.

1588 2. The court shall consider whether a party has committed
1589 an act of exploitation as defined in s. 415.102, exploitation of
1590 an elderly person or disabled adult as defined in s. 825.103(1),
1591 or domestic violence as defined in s. 741.28 against another
1592 party or any member of another party's family; engaged in a
1593 pattern of behaviors that exert power and control over another
1594 party and that may compromise another party's ability to
1595 negotiate a fair result; or engaged in behavior that leads
1596 another party to have reasonable cause to believe that he or she
1597 is in imminent danger of becoming a victim of domestic violence.

1598 The court shall consider and evaluate all relevant factors,
1599 including, but not limited to, the factors specified in s.
1600 741.30 (6) (b) .

1601 3. If a party has a history of domestic violence or
1602 exploitation of an elderly person, the court must order
1603 safeguards to protect the safety of the participants and the
1604 elder and the elder's property, including, but not limited to,
1605 adherence to all provisions of an injunction for protection or
1606 conditions of bail, probation, or a sentence arising from
1607 criminal proceedings.

1608 **Section 8. For the purpose of incorporating the amendment**
1609 **made by this act to section 741.30, Florida Statutes, in a**
1610 **reference thereto, paragraph (b) of subsection (4) of section**
1611 **61.125, Florida Statutes, is reenacted to read:**

1612 61.125 Parenting coordination.—

1613 (4) DOMESTIC VIOLENCE ISSUES.—

1614 (b) In determining whether there has been a history of
1615 domestic violence, the court shall consider whether a party has
1616 committed an act of domestic violence as defined s. 741.28, or
1617 child abuse as defined in s. 39.01, against the other party or
1618 any member of the other party's family; engaged in a pattern of
1619 behaviors that exert power and control over the other party and
1620 that may compromise the other party's ability to negotiate a
1621 fair result; or engaged in behavior that leads the other party
1622 to have reasonable cause to believe he or she is in imminent

1623 danger of becoming a victim of domestic violence. The court
1624 shall consider and evaluate all relevant factors, including, but
1625 not limited to, the factors listed in s. 741.30(6)(b).

1626 **Section 9. For the purpose of incorporating the amendment**
1627 **made by this act to section 741.30, Florida Statutes, in a**
1628 **reference thereto, subsection (1) of section 741.29, Florida**
1629 **Statutes, is reenacted to read:**

1630 741.29 Domestic violence; investigation of incidents;
1631 notice to victims of legal rights and remedies; reporting.—

1632 (1) Any law enforcement officer who investigates an
1633 alleged incident of domestic violence shall:

1634 (a) Assist the victim to obtain medical treatment if such
1635 is required as a result of the alleged incident to which the
1636 officer responds;

1637 (b) Advise the victim of such violence that there is a
1638 domestic violence center from which the victim may receive
1639 services;

1640 (c) Administer a lethality assessment consistent with the
1641 requirements established in subsection (2) if the allegation of
1642 domestic violence is against an intimate partner, regardless of
1643 whether an arrest is made; and

1644 (d) Give the victim immediate notice of the legal rights
1645 and remedies available on a standard form developed and
1646 distributed by the department. As necessary, the department
1647 shall revise the Legal Rights and Remedies Notice to Victims to

1648 include a general summary of s. 741.30 using simple English as
1649 well as Spanish, and shall distribute the notice as a model form
1650 to be used by all law enforcement agencies throughout this
1651 state. The notice must include:

1652 1. The resource listing, including telephone number, for
1653 the area domestic violence center designated by the Department
1654 of Children and Families; and

1655 2. A copy of the following statement:

1656
1657 IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may
1658 ask the state attorney to file a criminal complaint.
1659 You also have the right to go to court and file a
1660 petition requesting an injunction for protection from
1661 domestic violence which may include, but need not be
1662 limited to, provisions which restrain the abuser from
1663 further acts of abuse; direct the abuser to leave your
1664 household; prevent the abuser from entering your
1665 residence, school, business, or place of employment;
1666 award you custody of your minor child or children; and
1667 direct the abuser to pay support to you and the minor
1668 children if the abuser has a legal obligation to do
1669 so.

1670
1671 **Section 10.** This act shall take effect July 1, 2026.