

By Senator Calatayud

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A bill to be entitled

An act relating to interpersonal violence injunctions; amending s. 741.30, F.S.; revising the required forms, motions, and information all clerk of the court offices must provide to assist petitioners; requiring the court, upon the filing of a domestic violence petition, to review the petition ex parte and set a final hearing at the earliest possible time under certain circumstances; requiring that a respondent be personally served by a law enforcement officer if a final hearing is set; revising the factors the court is required to consider and evaluate in determining whether a petitioner has reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence; revising what the clerk of the court, within a specified timeframe after the court sets the case for a final hearing, is required to transmit to the sheriff or a law enforcement agency for service; requiring a respondent, within 1 business day after being served, to file a designation of his or her mailing or e-mail address with the clerk of the court for subsequent service; revising the circumstances under which the clerk of the court must mail or e-mail certified copies of certain orders to 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

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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, to file a designation of his or her mailing or e-mail address with the clerk of the court for subsequent service; revising the circumstances under which the clerk of the court must mail or e-mail certified copies of certain orders to the parties; specifying that service by mail or e-mail is complete upon mailing or e-mailing; requiring the clerk of the court to prepare a certain written certification when a

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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

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circumstances under which the clerk of the court must mail or e-mail certified copies of certain orders to the parties; specifying that service by e-mail is complete upon e-mailing; specifying the circumstances under which the clerk of the court must mail or e-mail certified copies of certain orders to the parties; specifying that service by mail or e-mail is complete upon mailing or e-mailing; requiring the clerk of the court to prepare a certain written certification when a certain order is served by the clerk; making technical and conforming changes; amending ss. 61.1825 and 943.05, F.S.; conforming provisions to changes 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.—

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

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

125 (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 by  
138 family or household members. No person shall be precluded from  
139 seeking injunctive relief pursuant to this chapter solely on the  
140 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

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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 petition  
158 for an injunction for protection against domestic violence may  
159 be filed in the circuit where the petitioner currently or  
160 temporarily resides, where the respondent resides, or where the  
161 domestic violence occurred. There is no minimum requirement of  
162 residency to petition for an injunction for protection.

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

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may not exceed \$20.

(b) No bond shall be 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 domestic violence and enforcement for a violation thereof as specified in this section.

2. All clerks' offices shall provide simplified petition forms for the injunction, any motion for modifications, any motion for ~~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 advise petitioners of the opportunity to apply for a certificate of indigence in lieu of prepayment for the cost of the filing fee, as provided in paragraph (a).

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

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

6. Clerks of 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.

7. The clerk of the court in each county shall make available informational brochures on domestic violence when such

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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: .....



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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

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

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

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

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

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

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

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

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

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....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.

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

....engaged 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)...

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....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

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

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

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

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

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

403       4. If the petitioner and respondent have an existing  
404 parenting plan or time-sharing schedule under another court  
405 order, designating that the exchange of the minor child or  
406 children of the parties must occur at a neutral safe exchange

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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. Awarding to the petitioner the temporary exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the respondent to temporarily have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural 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.

(b) Except as provided in s. 90.204, in an ex parte review 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

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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.



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

473           5. On the same basis as provided in chapter 61,  
474 establishing temporary support for a minor child or children or  
475 the petitioner. An order of temporary support remains in effect  
476 until the order expires or an order is entered by a court of  
477 competent jurisdiction in a pending or subsequent civil action  
478 or proceeding affecting child support.

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

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

490           8. Awarding to the petitioner the exclusive care,  
491 possession, or control of an animal that is owned, possessed,  
492 harbored, kept, or held by the petitioner, the respondent, or a  
493 minor child residing in the residence or household of the

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petitioner or respondent. The court may order the respondent to have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural 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.

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

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

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

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

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

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

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

(c) The terms of an injunction restraining the respondent under subparagraph (a)1. or ordering other relief for the protection of the victim under subparagraph (a)9. shall remain in effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. No specific

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allegations are required. Such relief may be granted in addition to other civil or criminal remedies.

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

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

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

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

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

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

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

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

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581 violence; or

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

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

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

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

597 (7) The court shall allow an advocate from a state  
598 attorney's office, an advocate from a law enforcement agency, or  
599 an advocate from a certified domestic violence center who is  
600 registered under s. 39.905 to be present with the petitioner or  
601 respondent during any court proceedings or hearings related to  
602 the injunction for protection, provided the petitioner or  
603 respondent has made such a request and the advocate is able to  
604 be present.

605 (8)(a)1. Within 24 hours after the court sets the case for  
606 a final hearing ~~issues an injunction for protection against~~  
607 ~~domestic violence~~, the clerk of the court shall electronically  
608 transmit a copy of the petition, designation of mailing and e-  
609 mail addresses for service, financial affidavit, Uniform Child

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610 Custody Jurisdiction and Enforcement Act affidavit, if any,  
611 notice of hearing, and temporary injunction, if any, to the  
612 sheriff or a law enforcement agency of the county where the  
613 respondent resides or can be found, who shall serve it upon the  
614 respondent as soon thereafter as possible on any day of the week  
615 and at any time of the day or night. The respondent shall file a  
616 designation of mailing and e-mail addresses with the clerk of  
617 the court for subsequent service within 1 business day after the  
618 respondent has been personally served. An electronic copy of the  
619 temporary ~~an~~ injunction must be certified by the clerk of the  
620 court, and the electronic copy must be served in the same manner  
621 as a certified copy. Upon receiving an electronic copy of the  
622 temporary injunction, the sheriff must verify receipt with the  
623 sender before attempting to serve it upon the respondent. In  
624 addition, if the sheriff is in possession of a temporary ~~an~~  
625 injunction for protection that has been certified by the clerk  
626 of the court, the sheriff may electronically transmit a copy of  
627 that temporary injunction to a law enforcement officer who shall  
628 serve it in the same manner as a certified copy. The clerk of  
629 the court is responsible for furnishing to the sheriff such  
630 information on the respondent's physical description and  
631 location as is required by the department to comply with the  
632 verification procedures set forth in this section.

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

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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

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

(b) A ~~Domestic and Repeat Violence Injunction~~ Statewide Injunction Verification System is created within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions, dating violence injunctions, sexual violence injunctions, and repeat violence injunctions, and stalking 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 injunction for verification purposes.

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



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2. Within 24 hours after service of process of an injunction for protection against domestic 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 domestic 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 domestic 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 by the clerk of the court, 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

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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 domestic 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 domestic 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 domestic violence is vacated, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff 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 may enforce a violation of an injunction

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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 to modify or dissolve an injunction at any time.

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

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

(2) There is created a cause of action for an injunction

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for protection in cases of repeat violence, there is created a separate cause of action for an injunction for protection in cases of dating violence, and there is created a separate cause of action for an injunction for protection in cases of sexual violence.

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

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

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813 violence, or dating violence may furnish an address to the court  
814 in a separate confidential filing if, for safety reasons, the  
815 petitioner requires the location of his or her current residence  
816 to be confidential pursuant to s. 119.071(2)(j), Florida  
817 Statutes.)

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

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

822  
823  
824  
825  
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  
835  
836 c. Petitioner is a victim of dating violence and has  
837 reasonable cause to believe that he or she is in imminent danger  
838 of becoming the victim of another act of dating violence or has  
839 reasonable cause to believe that he or she is in imminent danger  
840 of becoming a victim of dating violence, as demonstrated by the  
841 fact that the respondent has: ...(list the specific incident or

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842 incidents of violence and describe the length of time of the  
843 relationship, whether it has been in existence during the last 6  
844 months, the nature of the relationship of a romantic or intimate  
845 nature, the frequency and type of interaction, and any other  
846 facts that characterize the relationship)...

847  
848  
849  
850  
851  
852 4. Petitioner genuinely fears repeat violence by the  
853 respondent.

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

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

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injunction, if any, before ~~prior to~~ the final hearing.

(6)(a) Upon review of the petition, if ~~When~~ it appears to the court that an immediate and present danger of violence exists, the court may grant a temporary injunction ex parte ~~which may be granted in an ex parte hearing,~~ pending a final ~~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~~

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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.

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



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

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

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

939           (8)(a)1. Within 24 hours after the court sets the case for  
940 a final hearing ~~issues an injunction for protection against~~  
941 ~~repeat violence, sexual violence, or dating violence~~, the clerk  
942 of the court shall electronically transmit a copy of the  
943 petition, notice of hearing, and temporary injunction, if any,  
944 to the sheriff or a law enforcement agency of the county where  
945 the respondent resides or can be found, who shall serve it upon  
946 the respondent as soon thereafter as possible on any day of the  
947 week and at any time of the day or night. The respondent shall  
948 file a designation of mailing or e-mail addresses with the clerk  
949 of the court for subsequent service within 1 business day after  
950 the respondent has been personally served. An electronic copy of  
951 the temporary ~~an~~ injunction must be certified by the clerk of  
952 the court, and the electronic copy must be served in the same  
953 manner as a certified copy. Upon receiving an electronic copy of  
954 the temporary injunction, the sheriff must verify receipt with  
955 the sender before attempting to serve it upon the respondent. In  
956 addition, if the sheriff is in possession of the temporary ~~an~~  
957 injunction for protection that has been certified by the clerk

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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 chief judge's jurisdiction to effect this type of service and to receive a portion of the service fee. A person may not serve or execute a temporary ~~an~~ injunction issued under this section unless the person is a law enforcement officer as defined in chapter 943.

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 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 repeat violence, sexual violence, or dating 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

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before the court. The parties may acknowledge receipt of such order in writing on the face of the original order. If a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk must 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 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 with the temporary injunction or a notice of hearing on a temporary injunction, any subsequent petition for injunction seeking an extension of time, or any subsequent temporary injunction, final injunction, or order, may be served on the respondent by the clerk of the court by certified mail or e-mail, in lieu of personal service by a law enforcement officer.

(b) A ~~Domestic, Dating, Sexual, and Repeat Violence Injunction~~ Statewide Injunction Verification System is created within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions, dating violence injunctions, sexual violence

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1016 injunctions, ~~and~~ repeat violence injunctions, and stalking  
1017 injunctions issued by the courts throughout the state. Such  
1018 information must include, but is not limited to, information as  
1019 to the existence and status of any injunction for verification  
1020 purposes.

1021 (c)1. Within 24 hours after the court issues an injunction  
1022 for protection against repeat violence, sexual violence, or  
1023 dating violence or changes or vacates an injunction for  
1024 protection against repeat violence, sexual violence, or dating  
1025 violence, the clerk of the court must electronically transmit a  
1026 copy of the injunction to the sheriff with jurisdiction over the  
1027 residence of the petitioner.

1028 2. Within 24 hours after service of process of an  
1029 injunction for protection against repeat violence, sexual  
1030 violence, or dating violence upon a respondent, the law  
1031 enforcement officer must electronically transmit the written  
1032 proof of service of process to the sheriff with jurisdiction  
1033 over the residence of the petitioner.

1034 3. Within 24 hours after the sheriff receives a certified  
1035 copy of the injunction for protection against repeat violence,  
1036 sexual violence, or dating violence, the sheriff must make  
1037 information relating to the injunction available to other law  
1038 enforcement agencies by electronically transmitting such  
1039 information to the department.

1040 4. Within 24 hours after the sheriff or other law  
1041 enforcement officer has made service upon the respondent and the  
1042 sheriff has been so notified, the sheriff must make information  
1043 relating to the service available to other law enforcement  
1044 agencies by electronically transmitting such information to the

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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

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1074 violence, sexual violence, or dating violence was served. The  
1075 Florida Association of Court Clerks and Comptrollers may apply  
1076 for any available grants to fund the development of the  
1077 automated process.

1078 7.6- Within 24 hours after an injunction for protection  
1079 against repeat violence, sexual violence, or dating violence is  
1080 lifted, terminated, or otherwise rendered no longer effective by  
1081 ruling of the court, the clerk of the court must notify the  
1082 sheriff or local law enforcement agency receiving original  
1083 notification of the injunction as provided in subparagraph 2.  
1084 That agency shall, within 24 hours after receiving such  
1085 notification from the clerk of the court, notify the department  
1086 of such action of the court.

1087 (d) The petitioner may request a Hope Card under s. 741.311  
1088 after the court has issued a final injunction ~~order of~~  
1089 ~~protection~~.

1090 (9)(a) The court shall enforce, through a civil or criminal  
1091 contempt proceeding, a violation of the temporary or final ~~an~~  
1092 injunction for protection. The court may enforce the  
1093 respondent's compliance with the injunction by imposing a  
1094 monetary assessment. The clerk of the court shall collect and  
1095 receive such assessments. On a monthly basis, the clerk shall  
1096 transfer the moneys collected pursuant to this paragraph to the  
1097 State Treasury for deposit in the Crimes Compensation Trust Fund  
1098 established in s. 960.21.

1099 (b) If the respondent is arrested by a law enforcement  
1100 officer under s. 901.15(6) for committing an act of repeat  
1101 violence, sexual violence, or dating violence in violation of a  
1102 temporary or final ~~an~~ injunction for protection, the respondent

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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.

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

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

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

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

(b) The cause of action for an injunction for protection may be sought regardless of whether any other cause of action is currently pending between the parties. However, the pendency of any such cause of action shall be alleged in the petition.

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

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

(e) The court may not issue mutual orders of protection;

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1132 however, the court is not precluded from issuing separate  
1133 injunctions for protection against stalking if each party has  
1134 complied with this section. Compliance with this section may not  
1135 be waived.

1136 (f) Notwithstanding chapter 47, a petition for an  
1137 injunction for protection against stalking may be filed in the  
1138 circuit where the petitioner currently or temporarily resides,  
1139 where the respondent resides, or where the stalking occurred.  
1140 There is no minimum requirement of residency to petition for an  
1141 injunction for protection.

1142 (2)(a) Notwithstanding any other law, the clerk of court  
1143 may not assess a filing fee to file a petition for protection  
1144 against stalking. However, subject to legislative appropriation,  
1145 the clerk of the circuit court may, on a quarterly basis, submit  
1146 to the Justice Administrative Commission a certified request for  
1147 reimbursement for petitions for protection against stalking  
1148 issued by the court, at the rate of \$40 per petition. The  
1149 request for reimbursement must be submitted in the form and  
1150 manner prescribed by the Justice Administrative Commission. From  
1151 this reimbursement, the clerk shall pay any law enforcement  
1152 agency serving the injunction the fee requested by the law  
1153 enforcement agency; however, this fee may not exceed \$20.

1154 (b) A bond is not required by the court for the entry of an  
1155 injunction.

1156 (c)1. The clerk of the court shall assist petitioners in  
1157 seeking both injunctions for protection against stalking and  
1158 enforcement of a violation thereof as specified in this section.

1159 2. All offices of the clerk of the court shall provide  
1160 simplified petition forms for the injunction and any



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1161 modifications to and the enforcement thereof, and a designation  
1162 of mailing and e-mail addresses for service, including  
1163 instructions for completion.

1164 3. The clerk of the court shall ensure the petitioner's  
1165 privacy to the extent practicable while completing the forms for  
1166 an injunction for protection against stalking.

1167 4. The clerk of the court shall provide a petitioner with a  
1168 minimum of two certified copies of the order of injunction, one  
1169 of which is serviceable and will inform the petitioner of the  
1170 process for service and enforcement.

1171 5. The clerk of the court and appropriate staff in each  
1172 county shall receive training in the effective assistance of  
1173 petitioners as provided or approved by the Florida Association  
1174 of Court Clerks and Comptrollers.

1175 6. The clerk of the court in each county shall make  
1176 available informational brochures on stalking when such a  
1177 brochure is provided by the local certified domestic violence  
1178 center or certified rape crisis center.

1179 7. The clerk of the court in each county shall distribute a  
1180 statewide uniform informational brochure to petitioners at the  
1181 time of filing for an injunction for protection against stalking  
1182 when such brochures become available. The brochure must include  
1183 information about the effect of giving the court false  
1184 information.

1185 (3)(a) The verified petition shall allege the existence of  
1186 such stalking and shall include the specific facts and  
1187 circumstances for which relief is sought.

1188 (b) The verified petition shall be in substantially the  
1189 following form:

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PETITION FOR INJUNCTION  
FOR PROTECTION AGAINST STALKING

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

1. Petitioner resides at: ...(address)...
- (Petitioner may furnish the 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.)
2. Respondent resides at: ...(last known address)...
3. Respondent's last known place of employment: ...(name of business and address)...
4. Physical description of respondent: ....
5. Race: ....
6. Sex: ....
7. Date of birth: ....
8. Height: ....
9. Weight: ....
10. Eye color: ....
11. Hair color: ....
12. Distinguishing marks or scars: ....
13. Aliases of respondent: ....

(c) The petitioner shall describe any other cause of action currently pending between the petitioner and respondent. The

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petitioner shall also describe any previous attempt by the petitioner to obtain an injunction for protection against stalking in this or any other circuit, and the result of that attempt. (Case numbers should be included, if available.)

(d) The petition must provide space for the petitioner to 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.

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(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)...

(4) Upon the filing of the petition, the court shall review the petition ex parte. The court must set a final hearing to be

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held at the earliest possible time if it appears that the  
petitioner is a victim of stalking. If a final hearing is set,  
the respondent must ~~shall~~ be personally served by a law  
enforcement officer with a copy of the petition, notice of  
hearing, and temporary injunction, if any, before the final  
hearing.

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

(b) Except as provided in s. 90.204, in an ex parte review  
or an a-hearing ex parte hearing for the purpose of obtaining  
such ex parte temporary injunction, evidence other than verified  
pleadings or affidavits may not 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. If the only ground for denial is no  
appearance of an immediate and present danger of stalking, the  
court shall set a final ~~full~~ hearing on the petition for  
injunction with notice at the earliest possible time. This  
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

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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 may contact.

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

(b) The terms of an injunction restraining the respondent under subparagraph (a)1. or ordering other relief for the protection of the victim under subparagraph (a)4. shall remain in effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. Specific

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allegations are not required. Such relief may be granted in addition to other civil or criminal remedies.

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

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

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

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

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

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

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

(f) All proceedings under this subsection shall be recorded. Recording may be by electronic means as provided by

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the Rules of General Practice and Judicial Administration.

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

(8)(a)1. Within 24 hours after the court sets the case for a final hearing ~~issues an injunction for protection against stalking,~~ the clerk of the court shall electronically transmit a copy of the petition, designation of mailing and e-mail addresses, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. The respondent shall file a designation of mailing or e-mail addresses with the clerk of the court for subsequent service within 1 business day after the respondent has been personally served. An electronic copy of the temporary ~~an~~ injunction must be certified by the clerk of the court, and the electronic copy must be served in the same manner as a certified copy. Upon receiving an electronic copy of the temporary injunction, the sheriff must verify receipt with the sender before attempting to serve it on the respondent. In 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



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1393 serve it in the same manner as a certified copy. The clerk of  
1394 the court shall furnish to the sheriff such information  
1395 concerning the respondent's physical description and location as  
1396 is required by the Department of Law Enforcement to comply with  
1397 the verification procedures set forth in this section.  
1398 Notwithstanding any other law, the chief judge of each circuit,  
1399 in consultation with the appropriate sheriff, may authorize a  
1400 law enforcement agency within the jurisdiction to effect  
1401 service. A law enforcement agency serving injunctions pursuant  
1402 to this section must use service and verification procedures  
1403 consistent with those of the sheriff.

1404 2. If an injunction is issued and the petitioner requests  
1405 the assistance of a law enforcement agency, the court may order  
1406 that an officer from the appropriate law enforcement agency  
1407 accompany the petitioner to assist in the execution or service  
1408 of the temporary or final injunction. A law enforcement officer  
1409 must accept a copy of a temporary or final ~~an~~ injunction for  
1410 protection against stalking, certified by the clerk of the  
1411 court, from the petitioner and immediately serve it upon a  
1412 respondent who has been located but not yet served.

1413 3. An order issued, changed, continued, extended, or  
1414 vacated subsequent to the original service of documents  
1415 enumerated under subparagraph 1. must be certified by the clerk  
1416 of the court and delivered to the parties at the time of the  
1417 entry of the subsequent order if a party is physically present  
1418 before the court. The parties may acknowledge receipt of such  
1419 order in writing on the face of the original order. In the event  
1420 ~~If~~ a party fails or refuses to acknowledge the receipt of a  
1421 certified copy of an order, the clerk must ~~shall~~ note on the

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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.

4. If the respondent has been served by a law enforcement officer ~~previously~~ with the a 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 and any subsequent temporary injunction, final injunction, or order may be served on the respondent by the clerk of the court by certified mail or e-mail in lieu of personal service by a law enforcement officer.

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

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1451       (b)1. Subsequent to the original service of documents in  
1452 subparagraph (a)1., the clerk of the court, within 24 hours  
1453 after the court issues a final ~~an~~ injunction for protection  
1454 against stalking or changes, continues, extends, or vacates a  
1455 temporary ~~an~~ injunction for protection against stalking, ~~the~~  
1456 ~~clerk of the court~~ must electronically transmit a certified copy  
1457 of the injunction for service to the sheriff having jurisdiction  
1458 over the residence of the petitioner. The clerk must mail or e-  
1459 mail certified copies of the order to the parties to the last  
1460 known physical or e-mail address of each party. Service by mail  
1461 or e-mail is complete upon mailing or e-mailing. When an order  
1462 is served pursuant to this subsection, the clerk shall prepare a  
1463 written certification to be placed in the court file specifying  
1464 the time, date, and method of service and shall electronically  
1465 transmit a certified copy of the order to the sheriff with  
1466 jurisdiction over the residence of the petitioner ~~The injunction~~  
1467 ~~must be served in accordance with this subsection.~~

1468       2. Within 24 hours after service of process of an  
1469 injunction for protection against stalking upon a respondent,  
1470 the law enforcement officer must electronically transmit the  
1471 written proof of service of process to the sheriff having  
1472 jurisdiction over the residence of the petitioner.

1473       3. Within 24 hours after the sheriff receives a certified  
1474 copy of the injunction for protection against stalking, the  
1475 sheriff must make information relating to the injunction  
1476 available to other law enforcement agencies by electronically  
1477 transmitting such information to the Department of Law  
1478 Enforcement.

1479       4. Within 24 hours after the sheriff or other law

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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 under this subsection, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to ~~notify the sheriff 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 Law Enforcement ~~of such action of the court.~~

(c) The petitioner may request a Hope Card under s. 741.311

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after the court has issued a final injunction ~~order of~~  
~~protection~~.

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

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) or for a violation of s. 784.0487, 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 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

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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:

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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.

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

44.407 Elder-focused dispute resolution process.—

(3) REFERRAL.—

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

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

2. The court shall consider whether a party has committed an act of exploitation as defined in s. 415.102, exploitation of an elderly person or disabled adult as defined in s. 825.103(1), or domestic violence as defined in s. 741.28 against another party or any member of another party's family; engaged in a pattern of behaviors that exert power and control over another

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party and that may compromise another party's ability to negotiate a fair result; or engaged in behavior that leads another party to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence. The court shall consider and evaluate all relevant factors, including, but not limited to, the factors specified in s. 741.30(6)(b).

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

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

61.125 Parenting coordination.—

(4) DOMESTIC VIOLENCE ISSUES.—

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



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

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

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

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

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

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

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

(d) Give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the department. As necessary, the department shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of s. 741.30 using simple English as well as Spanish, and shall distribute the notice as a model form to be used by all law enforcement agencies throughout this state. The notice must include:

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1654 1. The resource listing, including telephone number, for  
1655 the area domestic violence center designated by the Department  
1656 of Children and Families; and

1657 2. A copy of the following statement:

1658  
1659 IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may  
1660 ask the state attorney to file a criminal complaint.  
1661 You also have the right to go to court and file a  
1662 petition requesting an injunction for protection from  
1663 domestic violence which may include, but need not be  
1664 limited to, provisions which restrain the abuser from  
1665 further acts of abuse; direct the abuser to leave your  
1666 household; prevent the abuser from entering your  
1667 residence, school, business, or place of employment;  
1668 award you custody of your minor child or children; and  
1669 direct the abuser to pay support to you and the minor  
1670 children if the abuser has a legal obligation to do  
1671 so.

1672  
1673 Section 10. This act shall take effect July 1, 2026.