

By Senator McClain

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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 inform the clerk of the court of his or her mailing or e-mail address 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 Verification System; revising

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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 a respondent, within 1 business day after being served, to inform the clerk of the court of his or her mailing or e-mail address 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 certain order is served by the clerk; requiring that all specified proceedings be recorded; revising the

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name of the Domestic and Repeat Violence Injunction
Statewide Verification System created within the
Department of Law Enforcement to the Statewide
Injunction Verification System; revising the
injunctions required to be maintained in the system;
specifying the circumstances under which the clerk of
the court must mail or e-mail certified copies of
certain injunction orders to the parties; specifying
that service by mail or e-mail is complete upon
mailing or e-mailing; providing requirements regarding
service of process; making technical and conforming
changes; amending s. 784.0485, 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 petition for
an injunction for protection against stalking, 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 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 inform the clerk of the
court of his or her mailing or e-mail address for
subsequent service; revising the circumstances under
which the clerk of the court must mail or e-mail

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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.—

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

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for protection against domestic violence.

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

(b) This cause of action for an injunction may be sought whether or not 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) In the event a subsequent cause of action is filed under chapter 61, any orders entered therein shall take precedence over any inconsistent provisions of an injunction issued under this section which addresses matters governed by chapter 61.

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

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

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

(g) Any person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their

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attorney, or must present the evidence under oath at a hearing at which all parties are present.

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

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

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

(2)(a) Notwithstanding any other law, the assessment of a filing fee for a petition for protection against domestic violence is prohibited. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Justice Administrative Commission a certified request for reimbursement for petitions for protection against domestic violence issued by the court, at the rate of \$40 per petition. The request for reimbursement must be submitted in the form and manner prescribed by the Justice Administrative Commission. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed \$20.

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

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

181 2. All ~~clerks'~~ offices of the clerk of the court shall
182 provide Supreme Court-approved family law ~~simplified petition~~
183 forms for the injunction and, any modifications to, and the
184 enforcement thereof, and for a designation of mail and e-mail
185 addresses for service, including instructions for completion.

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

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

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

197 6. Clerks of court and appropriate staff in each county
198 shall receive training in the effective assistance of
199 petitioners as provided or approved by the Florida Association
200 of Court Clerks.

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

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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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Sex.....

Date of birth.....

Height.....

Weight.....

Eye color.....

Hair color.....

Distinguishing marks or scars.....

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

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

(g) The following describes any other cause of action currently pending between the petitioner and respondent:.....

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

Case numbers should be included if available.

(h) Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has: ...(mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence,

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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).

....another order of protection issued against him or her

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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)...

....Immediately restraining the respondent from committing

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any acts of domestic violence.

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

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

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

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

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

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

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

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

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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 and 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.

(5) (a) Upon review of the petition, if it appears to the

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378 court that an immediate and present danger of domestic violence
379 exists, the court may grant a temporary injunction ex parte,
380 pending a final ~~full~~ hearing, and may grant such relief as the
381 court deems proper, including an injunction:

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

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

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

402 4. If the petitioner and respondent have an existing
403 parenting plan or time-sharing schedule under another court
404 order, designating that the exchange of the minor child or
405 children of the parties must occur at a neutral safe exchange
406 location as provided in s. 125.01(8) or a location authorized by

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407 a supervised visitation program as defined in s. 753.01 if the
408 court determines it is in the best interests of the child after
409 consideration of all of the factors specified in s. 61.13(3).

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

422 (b) Except as provided in s. 90.204, in an ex parte review
423 or an ~~a hearing~~ ex parte hearing for the purpose of obtaining
424 such ex parte temporary injunction, no evidence other than
425 verified pleadings or affidavits shall be used as evidence,
426 unless the respondent appears at the hearing or has received
427 reasonable notice of the hearing. A denial of a petition for an
428 ex parte temporary injunction shall be by written order noting
429 the legal grounds for denial. When the only ground for denial is
430 no appearance of an immediate and present danger of domestic
431 violence, the court shall set a final ~~full~~ hearing on the
432 petition for injunction with notice at the earliest possible
433 time. Nothing herein affects a petitioner's right to promptly
434 amend any petition, or otherwise be heard in person on any
435 petition consistent with the Florida Rules of Civil Procedure.

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

445 (6)(a) Upon notice and final hearing, when it appears to
446 the court that the petitioner is either the victim of domestic
447 violence as defined by s. 741.28 or has reasonable cause to
448 believe he or she is in imminent danger of becoming a victim of
449 domestic violence, the court may grant such relief as the court
450 deems proper, including an injunction:

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

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

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

464 4. If the petitioner and respondent have an existing

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

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

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

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

8. Awarding to the petitioner the 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

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494 have no contact with the animal and prohibit the respondent from
495 taking, transferring, encumbering, concealing, harming, or
496 otherwise disposing of the animal. This subparagraph does not
497 apply to an animal owned primarily for a bona fide agricultural
498 purpose, as defined under s. 193.461, or to a service animal, as
499 defined under s. 413.08, if the respondent is the service
500 animal's handler.

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

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

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

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

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

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

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

522 6. Whether the respondent has physically restrained the

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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 allegations are required. Such relief may be granted in addition

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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 violence; or

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

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

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

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

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

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

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affidavit, if any, 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 inform the clerk of the court of the respondent's designated mail or e-mail address 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 upon 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 serve it in the same manner as a certified copy. The clerk of the court is responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency serving injunctions pursuant to this section must use service and verification procedures consistent with those of the sheriff.

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

650 3. All orders issued, changed, continued, extended, or
651 vacated subsequent to the original service of documents
652 enumerated under subparagraph 1. must be certified by the clerk
653 of the court and delivered to the parties at the time of the
654 entry of the subsequent order, if a party is physically present
655 before the court. The parties may acknowledge receipt of such
656 order in writing on the face of the original order. If ~~In the~~
657 ~~event~~ a party fails or refuses to acknowledge the receipt of a
658 certified copy of an order, the clerk shall note on the original
659 order that service was effected. If delivery at the hearing is
660 not possible or the parties have appeared through audio-video
661 communication technology, the clerk must ~~shall~~ mail or e-mail
662 certified copies of the order to the parties at the last known
663 physical or e-mail address of each party. Service by mail or e-
664 mail is complete upon mailing or e-mailing. When an order is
665 served by the clerk of the court pursuant to this subsection,
666 the clerk shall prepare a written certification to be placed in
667 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) A court may not issue mutual orders of protection; however, the court is not precluded 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, Supreme Court-approved family law forms for the injunction and any modifications to and the enforcement thereof, and for a designation of mail and e-mail address for service ~~simplified forms~~, 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

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

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

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

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

c. Petitioner is a victim of dating violence and has reasonable cause to believe that he or she is in imminent danger of becoming the victim of another act of dating violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of dating violence, as demonstrated by the

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fact that the respondent has: ...(list the specific incident or incidents of violence and describe the length of time of the relationship, whether it has been in existence during the last 6 months, the nature of the relationship of a romantic or intimate nature, the frequency and type of interaction, and any other facts that characterize the relationship)...

4. Petitioner genuinely fears repeat violence by the respondent.

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

(5) Upon the filing of the petition, the court shall review the petition ex parte and must set a final hearing to be held at the earliest possible time if it appears that the petitioner meets the criteria of paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c). If a final hearing is set, the respondent must ~~shall~~ be personally served by a law enforcement officer with a copy of the petition, a form for the designation of mail and e-

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mail addresses, notice of final hearing, and temporary 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

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respondent is released from incarceration. If a final ~~A full~~
hearing is set, it must ~~as provided by this section,~~ shall be
set for a date no later than the date when the temporary
injunction ceases to be effective. The court may grant a
continuance of the temporary ~~ex parte~~ injunction before or
during the final ~~and the full hearing before or during a~~
hearing, for good cause shown by any party, which includes a
continuance to obtain service of process. Any injunction must be
extended if necessary to remain in full force and effect during
any period of continuance.

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

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

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

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

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

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

2. Law enforcement officers may use their arrest powers

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pursuant to 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 that the respondent was served with the temporary or final order, if obtainable.

(8)(a)1. Within 24 hours after the court sets the case for a final hearing ~~issues an injunction for protection against repeat violence, sexual violence, or dating violence~~, the clerk of the court shall electronically transmit a copy of the petition, 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 inform the clerk of the court of the respondent's designated mail or e-mail address 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 upon the respondent. In addition, if the sheriff is in possession of the 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

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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 before the court. The parties may acknowledge receipt of such

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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.

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

(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

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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 an injunction for protection against repeat violence, sexual violence, or dating violence or changes or vacates an injunction for protection against repeat violence, sexual violence, or dating violence, the clerk of the court must electronically transmit a copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner.

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

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

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information

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relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

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

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

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notification must include, at a minimum, the date, time, and location where the injunction for protection against repeat violence, sexual violence, or dating violence was served. The Florida Association of Court Clerks and Comptrollers may apply for any available grants to fund the development of the automated process.

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

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

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

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

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1103 violence, sexual violence, or dating violence in violation of a
1104 temporary or final ~~an~~ injunction for protection, the respondent
1105 shall be held in custody until brought before the court as
1106 expeditiously as possible for the purpose of enforcing the
1107 injunction and for admittance to bail in accordance with chapter
1108 903 and the applicable rules of criminal procedure, pending a
1109 hearing.

1110 Section 3. Section 784.0485, Florida Statutes, is amended
1111 to read:

1112 784.0485 Stalking; injunction; powers and duties of court
1113 and clerk; petition; notice and hearing; temporary injunction;
1114 issuance of injunction; Statewide Injunction Verification
1115 System; enforcement.—

1116 (1) There is created a cause of action for an injunction
1117 for protection against stalking. For the purposes of injunctions
1118 for protection against stalking under this section, the offense
1119 of stalking shall include the offense of cyberstalking.

1120 (a) A person who is the victim of stalking or the parent or
1121 legal guardian of a minor child who is living at home who seeks
1122 an injunction for protection against stalking on behalf of the
1123 minor child has standing in the circuit court to file a verified
1124 petition for an injunction for protection against stalking.

1125 (b) The cause of action for an injunction for protection
1126 may be sought regardless of whether any other cause of action is
1127 currently pending between the parties. However, the pendency of
1128 any such cause of action shall be alleged in the petition.

1129 (c) The cause of action for an injunction may be sought by
1130 any affected person.

1131 (d) The cause of action for an injunction does not require

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either party to be represented by an attorney.

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

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

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

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

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

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

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

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

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

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

7. 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 stalking when such brochures become available. The brochure must include information about the effect of giving the court false information.

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

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

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:

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

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limited to, telephones or other communication equipment,
clothing, or other items belonging to the petitioner.

(e) The petitioner seeks an injunction:

(Mark appropriate section or sections.)

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

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

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

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

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

...(initials)...

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1277 (4) Upon the filing of the petition, the court shall review
1278 the petition ex parte and must set a final hearing to be held at
1279 the earliest possible time if it appears that the petitioner is
1280 a victim of stalking. If a final hearing is set, the respondent
1281 must ~~shall~~ be personally served by a law enforcement officer
1282 with a copy of the petition, notice of hearing, and temporary
1283 injunction, if any, before the final hearing.

1284 (5) (a) Upon review of the petition, if it appears to the
1285 court that stalking exists, the court may grant a temporary
1286 injunction ex parte, pending a final ~~full~~ hearing, and may grant
1287 such relief as the court deems proper, including an injunction
1288 restraining the respondent from committing any act of stalking.

1289 (b) Except as provided in s. 90.204, in an ex parte review
1290 or an ~~a hearing~~ ex parte hearing for the purpose of obtaining
1291 such ex parte temporary injunction, evidence other than verified
1292 pleadings or affidavits may not be used as evidence, unless the
1293 respondent appears at the hearing or has received reasonable
1294 notice of the hearing. A denial of a petition for an ex parte
1295 temporary injunction shall be by written order noting the legal
1296 grounds for denial. If the only ground for denial is no
1297 appearance of an immediate and present danger of stalking, the
1298 court shall set a final ~~full~~ hearing on the petition for
1299 injunction with notice at the earliest possible time. This
1300 paragraph does not affect a petitioner's right to promptly amend
1301 any petition, or otherwise be heard in person on any petition
1302 consistent with the Florida Rules of Civil Procedure.

1303 (c) Any such ex parte temporary injunction is effective for
1304 a fixed period not to exceed 15 days. If a final ~~full~~ hearing is
1305 set, as provided in this section, the hearing shall be set for a

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1306 date no later than the date when the temporary injunction ceases
1307 to be effective. The court may grant a continuance of the
1308 hearing before or during the ~~a~~ hearing for good cause shown by
1309 any party, which shall include a continuance to obtain service
1310 of process. An injunction shall be extended if necessary to
1311 remain in full force and effect during any period of
1312 continuance.

1313 (6) (a) Upon notice and final hearing, when it appears to
1314 the court that the petitioner is the victim of stalking, the
1315 court may grant such relief as the court deems proper, including
1316 an injunction:

1317 1. Restraining the respondent from committing any act of
1318 stalking.

1319 2. Ordering the respondent to participate in treatment,
1320 intervention, or counseling services to be paid for by the
1321 respondent.

1322 3. Referring a petitioner to appropriate services. The
1323 court may provide the petitioner with a list of certified
1324 domestic violence centers, certified rape crisis centers, and
1325 other appropriate referrals in the circuit which the petitioner
1326 may contact.

1327 4. Ordering such other relief as the court deems necessary
1328 for the protection of a victim of stalking, including
1329 injunctions or directives to law enforcement agencies, as
1330 provided in this section.

1331 (b) The terms of an injunction restraining the respondent
1332 under subparagraph (a)1. or ordering other relief for the
1333 protection of the victim under subparagraph (a)4. shall remain
1334 in effect until modified or dissolved. Either party may move at

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any time to modify or dissolve the injunction. Specific 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

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recorded. Recording may be by electronic means as provided by 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 address, 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 inform the clerk of court of the respondent's designated mail or e-mail address 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

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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 shall furnish to the sheriff such information concerning the respondent's physical description and location as is required by the Department of Law Enforcement to comply with the verification procedures set forth in this section.

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

2. If an injunction is issued and 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 to assist in the execution or service of the temporary or final injunction. A law enforcement officer must accept a copy of a temporary or final ~~an~~ injunction for protection against stalking, 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. An order 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 order. 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 ~~shall~~ note on the original order

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that service was effected. If delivery at the hearing is not possible, or the parties have appeared through audio-video communication technology, the clerk 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, 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.

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

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1451 purposes.

1452 (b)1. Subsequent to the original service of documents in
1453 subparagraph (a)1., the clerk of the court, within 24 hours
1454 after the court issues a final ~~an~~ injunction for protection
1455 against stalking or changes, continues, extends, or vacates a
1456 temporary ~~an~~ injunction for protection against stalking, ~~the~~
1457 ~~clerk of the court~~ must electronically transmit a certified copy
1458 of the injunction for service to the sheriff having jurisdiction
1459 over the residence of the petitioner. The clerk must mail or e-
1460 mail certified copies of the order to the parties to the last
1461 known physical or e-mail address of each party. Service by mail
1462 or e-mail is complete upon mailing or e-mailing. When an order
1463 is served pursuant to this subsection, the clerk shall prepare a
1464 written certification to be placed in the court file specifying
1465 the time, date, and method of service and shall electronically
1466 transmit a certified copy of the order to the sheriff with
1467 jurisdiction over the residence of the petitioner ~~The injunction~~
1468 ~~must be served in accordance with this subsection.~~

1469 2. Within 24 hours after service of process of an
1470 injunction for protection against stalking upon a respondent,
1471 the law enforcement officer must electronically transmit the
1472 written proof of service of process to the sheriff having
1473 jurisdiction over the residence of the petitioner.

1474 3. Within 24 hours after the sheriff receives a certified
1475 copy of the injunction for protection against stalking, the
1476 sheriff must make information relating to the injunction
1477 available to other law enforcement agencies by electronically
1478 transmitting such information to the Department of Law
1479 Enforcement.

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1480 4. Within 24 hours after the sheriff or other law
1481 enforcement officer has made service upon the respondent and the
1482 sheriff has been so notified, the sheriff must make information
1483 relating to the service available to other law enforcement
1484 agencies by electronically transmitting such information to the
1485 Department of Law Enforcement.

1486 5. Within 24 hours after the court issues a final
1487 injunction for protection after a hearing or changes, continues,
1488 extends, or vacates an injunction for protection against
1489 ~~stalking is vacated, terminated, or otherwise rendered no longer~~
1490 ~~effective by ruling of the court,~~ the clerk of the court must
1491 mail or e-mail certified copies of the injunction order to the
1492 last known physical or e-mail address of each party. Service by
1493 mail or e-mail is complete upon mailing or e-mailing. When an
1494 order is served pursuant to this subsection, the clerk shall
1495 prepare a written certification to be placed in the court file
1496 specifying the time, date, and method of service. The clerk of
1497 the court must electronically transmit a certified copy of the
1498 injunction to the sheriff with jurisdiction over the residence
1499 of the petitioner. Within 24 hours after the sheriff receives a
1500 certified copy of the injunction for protection against stalking
1501 under this subsection, the sheriff must make information
1502 relating to the injunction available to other law enforcement
1503 agencies by electronically transmitting such information to
1504 ~~notify the sheriff receiving original notification of the~~
1505 ~~injunction as provided in subparagraph 2. That agency shall,~~
1506 ~~within 24 hours after receiving such notification from the clerk~~
1507 ~~of the court, notify~~ the Department of Law Enforcement ~~of such~~
1508 ~~action of the court.~~

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(c) 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 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

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or emotional harm to the party or the child; or

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

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

Section 5. Paragraph (e) of subsection (2) of section 943.05, Florida Statutes, is amended to read:

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

(2) The program shall:

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

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

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Statutes, is reenacted to read:

39.504 Injunction; penalty.—

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

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

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pattern of behaviors that exert power and control over another 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

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to have 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, 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

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state. The notice must include:

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

2. A copy of the following statement:

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

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