

# FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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**BILL #:** [CS/CS/HB 277](#)

**TITLE:** Domestic Violence and Protective Injunctions

**SPONSOR(S):** Tendrich and Nix

**COMPANION BILL:** [CS/CS/SB 682](#) (Calatayud)

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 112 Y's 0 N's

**GOVERNOR'S ACTION:** Pending

## SUMMARY

### Effect of the Bill:

The bill revises several statutes relating to domestic violence and protective injunctions, including by:

- Authorizing a penalty enhancement if a person commits a crime of domestic violence and has a prior conviction for committing such an offense.
- Adding threatening to kill or injure a family pet and the existence of a military protective order to the list of factors that a judge may consider when determining whether to grant a domestic violence injunction.
- Enhancing the penalty for violating a domestic violence injunction from a first degree misdemeanor to a third degree felony upon a second or subsequent violation of such an injunction committed against the same victim, rather than a third or subsequent violation, or a violation of such an injunction when the defendant has a prior conviction for committing a crime of domestic violence against the same victim.
- Requiring a law enforcement officer who has probable cause to believe that a person violated a military protective order to report such a violation to the agency that entered the order.
- Requiring the Florida Department of Law Enforcement to enter injunctions against sexual violence and dating violence into a statewide database.
- Increasing the dollar amounts for relocation assistance claims for victims of domestic violence from \$1,500 to \$2,500 for a single claim and increasing the lifetime maximum from \$3,000 to \$5,000.
- Creating misdemeanor and felony domestic violence and violation of protective injunction electronic monitoring pilot programs in Pinellas County and the Sixth Judicial Circuit, respectively.

### Fiscal or Economic Impact:

The bill may have an indeterminate positive jail and prison bed impact, an indeterminate impact on state and local government expenditures, and a positive economic impact on domestic violence victims.

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## ANALYSIS

### EFFECT OF THE BILL:

#### Domestic Violence

##### *Enhanced Penalties*

Under the bill, if a person has a prior conviction for a crime of [domestic violence](#), the penalty for any subsequent crime of domestic violence may be enhanced as follows:

- A misdemeanor of the second degree<sup>1</sup> is reclassified to a misdemeanor of the first degree.<sup>2</sup>
- A misdemeanor of the first degree is reclassified to a felony of the third degree.<sup>3</sup>
- A felony of the third degree is reclassified to a felony of the second degree.<sup>4</sup>
- A felony of the second degree is reclassified to a felony of the first degree.<sup>5</sup>

<sup>1</sup> A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

<sup>2</sup> A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

<sup>3</sup> A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, 775.083,](#) or [775.084, F.S.](#)

<sup>4</sup> A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. [Ss. 775.082, 775.083,](#) or [775.084, F.S.](#)

<sup>5</sup> A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. [Ss. 775.082, 775.083,](#) or [775.084, F.S.](#)

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- A felony of the first degree is reclassified to a life felony.<sup>6</sup>

For purposes of the enhancement, the bill specifies:

- The term “conviction” means a determination of guilt which is the result of a plea or trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.
- The enhancement does *not* apply to a conviction for [felony battery](#) under [s. 784.03\(2\), F.S.](#)
- For sentencing purposes:
  - A felony offense is ranked in the [offense severity ranking chart](#) (OSRC) without regard to the penalty enhancement under the bill.
  - For a first degree misdemeanor that is reclassified to a third degree felony, such offense is ranked as a level 1 offense in the OSRC.
- For purposes of determining incentive gain-time eligibility, the offense is ranked in the OSRC without regard to the penalty enhancement. (Section [2](#))

## **Injunctions**

### *Criteria for Granting an Injunction*

The bill revises the factors that a court may consider for purposes of determining whether a petitioner for an [injunction for protection against domestic violence](#) has reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence and thus, whether an injunction should be issued, to include:

- The existence of a [military protective order](#).
- Whether the respondent has threatened to injure or kill a family pet, which may include a service animal<sup>7</sup> or an emotional support animal.<sup>8</sup> (Section [5](#))

The bill defines “military protective order” to mean a protective order issued in accordance with 10 U.S.C. s. 1567 by a commanding officer in the Armed Forces of the United States, or the National Guard of any state against a person under such officer's command. (Section [1](#))

### *Violation of an Injunction for Protection Against Domestic Violence*

The bill revises the crime related to subsequent [violations of an injunction for protection against domestic violence](#). Specifically, the bill enhances the penalty for a violation of such an injunction from a first degree misdemeanor to a third degree felony upon:

- A *second* or subsequent violation of an injunction or [foreign protection order](#) against the same victim, rather than upon a third or subsequent violation.
- A violation of an injunction, when the defendant has one or more prior convictions for committing a crime of domestic violence against the same victim. (Section [6](#))

### *Military Protective Orders - Notification*

Under the bill, if a law enforcement officer has probable cause to believe that a person committed a violation of an injunction for protection against domestic violence and such officer determines that a military protective order entered into the National Crime Information Center database was also issued against such person and the officer has probable cause to believe that he or she also violated the military protective order, the officer, or his or her employing agency, must notify the agency that entered the military protective order into the database. (Section [6](#))

### *Statewide Injunction Verification System*

The bill requires the Florida Department of Law Enforcement (FDLE) to enter injunctions for protection against dating violence and sexual violence into the [statewide injunction verification database](#) that is used by law enforcement agencies to verify the existence and status of injunctions. (Sections [5](#) and [7](#))

## **Domestic Violence Relocation Assistance**

<sup>6</sup> A life felony is punishable by a term of imprisonment for life and a \$15,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

<sup>7</sup> [S. 413.08\(1\), F.S.](#)

<sup>8</sup> [S. 760.27\(1\), F.S.](#)

The bill increases the maximum amount of [compensation for relocation assistance](#) that the Department of Legal Affairs (DLA) may award to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment as follows:

- From \$1,500 to \$2,500 for a one-time payment.
- From \$3,000 to \$5,000 for a lifetime maximum. (Section 8)

### **Domestic Violence and Violation of Protective Injunction Electronic Monitoring Pilot Programs**

The bill creates a misdemeanor electronic monitoring pilot program in Pinellas County, and a felony electronic monitoring pilot program in the Sixth Judicial Circuit<sup>9</sup> from July 1, 2026 through June 30, 2028.

#### *Misdemeanor Pilot Program*

The bill authorizes the Pinellas County Sheriff, in consultation with the chief judge of the judicial circuit, the state attorney, and the public defender, to design and implement an electronic monitoring program for specified defendants who are convicted of a misdemeanor crime of domestic violence or convicted of willfully violating certain injunctions. The bill authorizes a court, in its discretion, to order electronic monitoring supervision if a defendant who is 18 years of age or older is found guilty of, has adjudication withheld on, or pleads nolo contendere to, the following offenses committed in Pinellas County on or after July 1, 2026, and a court enters a no contact order with a victim as a condition of the defendant's probation:

- A misdemeanor crime of domestic violence, as defined in [s. 741.28, F.S.](#)
- A misdemeanor violation of an injunction for protection against domestic violence under [s. 741.31, F.S.](#), or an injunction for protection against sexual violence or dating violence under [s. 784.047, F.S.](#) (Section 3)

Under the bill, a court *must* order electronic monitoring supervision if a defendant is convicted of committing the above offenses and the court finds that there is clear and convincing evidence that the defendant poses a threat of violence or physical harm to the victim. In making such a determination, the court must consider whether the defendant has previously been convicted for violating an injunction for protection against domestic violence, [dating violence, sexual violence](#), or [stalking](#). (Section 3)

The bill specifies that any order requiring electronic monitoring supervision under the pilot program must terminate no later than June 30, 2028. (Section 3)

For purposes of implementing the misdemeanor pilot program, the bill requires the following:

- Notwithstanding any other law, the sheriff must manage and supervise all persons ordered to electronic monitoring supervision. All other terms and conditions of probation must be managed in accordance with current law.
- The sheriff must designate a person to meet with a defendant ordered to electronic monitoring to explain the conditions of electronic monitoring supervision, including identifying prohibited locations, and consequences for noncompliance.
- A defendant ordered to electronic monitoring supervision must pay the costs of such supervision, which may be reduced or waived by the sheriff at his or her discretion.
- A court may not order electronic monitoring supervision in lieu of any other mandatory term or condition of probation, including participating in a [batterers' intervention program](#) required under [s. 741.281, F.S.](#)
- The sheriff must specify a procedure by which a defendant ordered to electronic monitoring supervision may petition a court to remove such an order, including terminating such an order if the defendant establishes a permanent residence in another state. (Section 3)

The bill requires the sheriff to complete an evaluation of the pilot program's effectiveness and provide an initial report to the President of the Senate and the Speaker of the House of Representatives by March 1, 2027, a subsequent report by January 1, 2028, and a final report by September 1, 2028. The report must include the following:

<sup>9</sup> The Sixth Judicial Circuit includes Pasco and Pinellas Counties. [S. 26.021\(6\), F.S.](#)

- The number of defendants placed on electronic monitoring supervision.
- The number of violations of electronic monitoring supervision, including the reason for the violation.
- The cost of providing electronic monitoring supervision and the money received by the sheriff to pay for such supervision.
- Recommendations on how to improve the efficacy of the program, and any difficulties with implementing the program.
- Any other information the sheriff deems relevant. (Section [3](#))

The bill specifies that s. 741.2905, F.S., which creates the misdemeanor pilot program, is repealed July 1, 2028. (Section [3](#))

#### *Felony Pilot Program*

The bill authorizes a court in the Sixth Judicial Circuit, in its discretion, to order electronic monitoring supervision by the Department of Corrections (DOC) if a defendant who is 18 years of age or older is found guilty of, has adjudication withheld on, or pleads nolo contendere to, the following offenses committed in Pasco County or Pinellas County on or after July 1, 2026, and a court enters a no contact order with a victim as a condition of the defendant's probation:

- A felony crime of domestic violence, as defined in [s. 741.28, F.S.](#)
- A felony violation of an injunction for protection against domestic violence under [s. 741.31, F.S.](#), or an injunction for protection against sexual violence or dating violence under [s. 784.047, F.S.](#) (Section [4](#))

Under the bill, a court *must* order electronic monitoring supervision if a person is convicted of committing the above offenses and the court finds that there is clear and convincing evidence that the defendant poses a threat of violence or physical harm to the victim. In making such a determination, the court must consider whether the defendant or respondent has previously been convicted for violating an injunction for protection against domestic violence, dating violence, sexual violence, or stalking. (Section [4](#))

The bill specifies that the felony pilot program must comply with the following:

- DOC must designate a person to meet with a defendant ordered to electronic monitoring to explain the conditions of electronic monitoring, including identifying prohibited locations, and consequences for noncompliance.
- A defendant must pay the costs of electronic monitoring supervision as provided in [s. 948.09, F.S.](#)
- A court may not order electronic monitoring supervision in lieu of any other mandatory term or condition of probation, including participating in a batterers' intervention program required under [s. 741.281, F.S.](#)
- DOC must specify a procedure by which a defendant ordered to electronic monitoring supervision may petition a court to remove such an order. (Section [4](#))

The bill requires DOC to complete an evaluation of the pilot program's effectiveness and provide an initial report to the President of the Senate and the Speaker of the House of Representatives by March 1, 2027, a subsequent report by January 1, 2028, and a final report by September 1, 2028. The report must include the following:

- The number of defendants placed on electronic monitoring supervision.
- The number of violations of electronic monitoring supervision, including the reason for the violation.
- The cost of providing electronic monitoring supervision and the money received by DOC to pay for such supervision.
- Recommendations on how to improve the efficacy of the program, and any difficulties with implementing the program.
- Any other information DOC deems relevant. (Section [4](#))

The bill specifies that s. 741.2906, F.S., which creates the felony pilot program, is repealed July 1, 2028. (Section [4](#))

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2026. (Section [9](#))

**RULEMAKING:**

The bill authorizes DOC to adopt rules to implement the Felony Domestic Violence and Violation of Protective Injunction Electronic Monitoring Pilot Program.

*Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.*

**FISCAL OR ECONOMIC IMPACT:****STATE GOVERNMENT:**

The bill may have a positive indeterminate prison bed impact by authorizing a penalty enhancement if a person commits a second or subsequent crime of domestic violence, a second or subsequent violation of an injunction for protection against domestic violence against the same victim, or a violation of an injunction for protection against domestic violence after having a prior conviction for committing a crime of domestic violence against the same victim, which may result in increased prison admissions and longer sentences of incarceration. The Criminal Justice Impact Conference reviewed the bill and determined that the number of potential admissions under the bill is unquantifiable due to a lack of data.<sup>10</sup>

The bill may also have an indeterminate impact on state expenditures by increasing the relocation assistance awards available to victims of domestic violence. The bill may have a fiscal impact to DOC, which is responsible for the felony pilot program created by the bill. However, some of the costs may be offset by requiring any defendant ordered to electronic monitoring supervision to pay the costs of such supervision. FDLE indicated that the bill will have no direct fiscal impact.<sup>11</sup> Any initial impacts to other agencies can likely be absorbed within existing resources, and future needs can be addressed through the traditional Legislative Budget Request process outlined in [s. 216.023, F.S.](#)

**LOCAL GOVERNMENT:**

The bill may have a positive indeterminate jail bed impact by authorizing a penalty enhancement if a person commits a second or subsequent crime of domestic violence, a second or subsequent violation of an injunction for protection against domestic violence against the same victim, or a violation of an injunction for protection against domestic violence after having a prior conviction for committing a crime of domestic violence against the same victim, which may result in longer sentences of incarceration. The bill may have a fiscal impact to Pinellas County, which is responsible for the misdemeanor pilot program created by the bill. However, some of the costs may be offset by requiring any person ordered to electronic monitoring supervision to pay the costs of such supervision.

**PRIVATE SECTOR:**

The bill may have a positive economic impact on domestic violence victims by increasing the maximum compensation amounts for relocation assistance.

**RELEVANT INFORMATION****SUBJECT OVERVIEW:****[Domestic Violence](#)**

<sup>10</sup> Florida Office of Economic and Demographic Research, Criminal Justice Impact Conference, 2026 House Bill 277 (Feb. 9, 2026), <https://edr.state.fl.us/Content/conferences/criminaljusticeimpact/CSHB277.pdf> (last visited Mar. 10, 2026).

<sup>11</sup> Florida Department of Law Enforcement, Agency Analysis of 2026 House Bill 277, pp. 3-6 (Feb. 5, 2026).

Under [s. 741.28, F.S.](#), “domestic violence” means 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 family or household member.

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

#### *Mandatory Term of Imprisonment Related to Domestic Violence*

Generally, if a person is adjudicated guilty of a domestic violence crime and intentionally caused bodily harm to the victim, the court must order the person to serve a minimum of:

- 10 days in county jail for a first offense.
- 15 days in county jail for a second offense.
- 20 days in county jail for a third or subsequent offense.<sup>12</sup>

If a person commits such an offense in the presence of a child under 16 years of age who is a family or household member of either the person or the victim, the court must order the person to serve a minimum of:

- 15 days in county jail for a first offense.
- 20 days in county jail for a second offense.
- 30 days in county jail for a third or subsequent offense.<sup>13</sup>

#### [Batterers’ Intervention Program](#)

If a person is found guilty of, has adjudication withheld on, or pleads no contest to a crime of domestic violence, a court must order the person to a minimum term of one year of probation and require the offender to attend and complete a Batterers’ Intervention Program as a condition of probation.<sup>14</sup>

A batterers’ intervention program must meet the following requirements:

- Have as its primary purpose the safety of any victim or child, if present.
- Hold the batterer accountable for his or her acts of domestic violence.
- Be at least 29 weeks in length and include 24 weekly sessions.
- Program content must be based on a cognitive behavioral therapy model or psychoeducational model that addresses tactics of power and control by one person over another.
- Be funded by user fees paid by the batterer, unless the program is funded by local, state, or federal programs.<sup>15</sup>

#### [Domestic Violence Injunction](#)

An injunction for protection against domestic violence may be sought by a family or household member.<sup>16</sup> The parties do not need to be married before a person can seek relief from domestic violence, and a party’s right to seek relief is not affected by leaving the residence or household to avoid domestic violence.<sup>17</sup>

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

- The court determines the petition has no merit and denies the petition, providing written findings for the denial;

<sup>12</sup> [S. 741.283\(1\)\(a\), F.S.](#)

<sup>13</sup> [S. 741.283\(1\)\(b\), F.S.](#)

<sup>14</sup> [Ss. 741.281, F.S.](#) and [948.038, F.S.](#) The court must impose this probation condition unless it states on the record why batterers’ intervention program is inappropriate or otherwise determines the offender does not qualify for the program.

<sup>15</sup> [S. 741.325\(1\), F.S.](#)

<sup>16</sup> [S. 741.30\(1\)\(e\), F.S.](#)

<sup>17</sup> [S. 741.30\(1\)\(d\)-\(e\), F.S.](#)

- The court grants an ex parte temporary injunction and simultaneously sets a return hearing within 15 days; or
- The injunction is denied but a return hearing is scheduled so that both parties have the opportunity to present their issues and evidence before the court for further evaluation.<sup>18</sup>

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

- Restraining the respondent from committing any acts of domestic violence;
- Awarding to the petitioner the temporary exclusive use and possession of a shared residence or excluding the respondent from the petitioner's residence; and
- Providing to the petitioner a temporary parenting plan,<sup>19</sup> including a timesharing schedule,<sup>20</sup> which may award the petitioner up to 100 percent of the timesharing.<sup>21</sup>

A temporary injunction is effective only for up to 15 days, and a full hearing must be set for a date prior to the injunction's expiration.<sup>22</sup>

In determining whether reasonable cause exists that the petitioner is in imminent danger, the court must consider specific factors, including:<sup>23</sup>

- The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.
- Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.
- Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.
- Whether the respondent has intentionally injured or killed a family pet.
- Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.
- Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.
- Whether the respondent has a criminal history involving violence or the threat of violence.
- The existence of a verifiable injunction for protection issued previously or from another jurisdiction.
- Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.
- Whether the respondent has or had engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short, which evidences a continuity of purpose and which reasonably causes the petitioner to believe that the petitioner or his or her minor child or children are in imminent danger of becoming victims of any act of domestic violence.
- Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.

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

- Restraining the respondent from committing any acts of domestic violence;
- Awarding to the petitioner the exclusive use and possession of a shared residence or excluding the respondent from the petitioner's residence;

<sup>18</sup> [S. 741.30\(5\), F.S.](#)

<sup>19</sup> A "parenting plan" governs the relationship between parents relating to decisions that must be made regarding the minor child and must contain a timesharing schedule for the parents and child. [S. 61.046\(14\), F.S.](#)

<sup>20</sup> "Timesharing schedule" means a timetable that must be included in a parenting plan that specifies the time, including overnights and holidays, which a minor child will spend with each parent. [S. 61.046\(23\), F.S.](#)

<sup>21</sup> [S. 741.30\(5\)\(a\), F.S.](#)

<sup>22</sup> [S. 741.30\(5\)\(c\), F.S.](#)

<sup>23</sup> [S. 741.30\(6\)\(b\), F.S.](#)

- Providing the petitioner with 100 percent of the timesharing in a parenting plan;
- Establishing temporary support for a minor child or for the petitioner;
- Ordering the respondent to participate in treatment, intervention, or counseling services;
- Referring a petitioner to a certified domestic violence center; and
- Ordering relief it deems necessary to protect a domestic violence victim.<sup>24</sup>

The terms of a permanent domestic violence injunction remain in effect until the defined period of the injunction expires, or the injunction is modified or dissolved, and either party may move at any time for modification or dissolution.<sup>25</sup>

A court is authorized to enforce a violation of injunction for protection against domestic violence through a civil or criminal contempt proceeding, or the state attorney may prosecute a criminal violation under [s. 741.31, F.S.](#) Additionally, the court may enforce the respondent's compliance with the injunction through any appropriate civil and criminal remedies, including a monetary assessment or fine.<sup>26</sup>

#### [Foreign Protection Order](#)

Pursuant to 18 U.S.C. s. 2265, an injunction for protection against domestic violence issued by a court of a foreign state<sup>27</sup> must be accorded full faith and credit by Florida courts and enforced by a law enforcement agency as if it were the order of a Florida court, and provided that the court had jurisdiction over the parties and the matter 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.<sup>28</sup>

However, ex parte foreign injunctions for protection are not eligible for enforcement unless notice and opportunity to be heard have been provided within the time required by the foreign state or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.<sup>29</sup>

#### [Violation of a Domestic Violence Injunction or Foreign Protection Order](#)

Under [s. 741.31, F.S.](#), a person commits a first degree misdemeanor<sup>30</sup> if he or she willfully violates an injunction for protection against domestic violence issued pursuant to [s. 741.30, F.S.](#), or a foreign protection order accorded full faith and credit pursuant to [s. 741.315, F.S.](#), by:

- Refusing to vacate the dwelling that the parties share;
- Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
- Committing an act of domestic violence against the petitioner;
- Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
- Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
- Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
- Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
- Refusing to surrender firearms or ammunition if ordered to do so by the court.

#### *Penalties for Subsequent Violations of a Domestic Violence Injunction or Foreign Protection Order*

<sup>24</sup> [S. 741.30\(6\)\(a\), F.S.](#)

<sup>25</sup> [S. 741.30\(6\)\(c\), F.S.](#)

<sup>26</sup> [S. 741.30\(9\)\(a\), F.S.](#)

<sup>27</sup> The term "court of a foreign state" means a court of competent jurisdiction of a state of the United States, other than Florida; the District of Columbia; an Indian tribe; or a commonwealth, territory, or possession of the United States. [S. 741.315\(1\), F.S.](#)

<sup>28</sup> [S. 741.315\(2\), F.S.](#)

<sup>29</sup> *Id.*

<sup>30</sup> A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. [Ss. 775.082 and 775.083, F.S.](#)

A person who has two or more prior convictions for a violation of an injunction or foreign protection order, and who subsequently commits a violation of any injunction or foreign protection order against the same victim, commits a third degree felony.<sup>31,32</sup> A “conviction” means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.<sup>33</sup>

#### *Batterers’ Intervention Program Participation*

Regardless of whether there is a criminal prosecution initiated for a violation of a domestic violence injunction, the court with jurisdiction over the injunction must order a respondent to attend a batterer’s intervention program if it finds he or she committed a willful violation of the domestic violence injunction.<sup>34</sup>

### **Injunction for Protection from Sexual or Dating Violence**

#### *Dating Violence*

Dating violence is an act of assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, committed between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature.<sup>35</sup> The existence of such a relationship is determined based on the consideration of the following factors:

- A dating relationship must have existed within the past six months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.<sup>36</sup>

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.<sup>37</sup>

#### *Sexual Violence*

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

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

#### *Injunction*

Separate and apart from the criminal actions established relating to domestic violence, Florida recognizes sexual violence and dating violence as offenses for which a victim may seek civil injunctive protection. Pursuant to [s. 784.046\(2\), F.S.](#), there is a separate cause of action for an injunction for protection in cases of sexual violence and dating violence. Under [s. 784.046, F.S.](#), any person who is the victim of sexual violence or dating violence, as well as the parent or guardian of a minor who is living at home and is the victim of such violence, may file a sworn petition for an injunction for protection with the circuit court.<sup>38</sup>

<sup>31</sup> A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

<sup>32</sup> [S. 741.31\(4\)\(c\), F.S.](#)

<sup>33</sup> *Id.*

<sup>34</sup> [S. 741.31\(5\), F.S.](#) This requirement does not apply if the court makes written factual findings based on substantial evidence stating why batterers’ intervention program would be inappropriate.

<sup>35</sup> [S. 784.046\(1\)\(d\), F.S.](#)

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> [S. 784.046\(2\), F.S.](#)

Once a petition has been filed, the court must set a hearing to be held as soon as possible.<sup>39</sup> If, after reviewing the petition, the court believes that an immediate and present danger of violence exists, the court may grant a temporary ex parte injunction. The temporary injunction is only valid for 15 days unless it is continued by the court.

Similar to an injunction for protection against domestic violence, a court may grant an ex parte temporary injunction in response to a petition for an injunction for protection against sexual violence or dating violence. Upon proper notice and a final evidentiary hearing, the court may grant such relief as it deems appropriate, including the issuance of a final injunction.<sup>40</sup>

### **Violation of a Protective Injunction for Sexual Violence or Dating Violence**

A person commits a first degree misdemeanor if he or she willfully violates an injunction for protection against sexual violence or dating violence issued pursuant to [s. 748.046, F.S.](#), or a foreign protection order accorded full faith and credit pursuant to [s. 741.315, F.S.](#), by:

- Refusing to vacate the dwelling that the parties share;
- Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
- Committing an act of sexual violence or dating violence against the petitioner;
- Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
- Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
- Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
- Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
- Refusing to surrender firearms or ammunition if ordered to do so by the court.

### *Penalties for Subsequent Violations of a Protective Injunction for Sexual Violence or Dating Violence*

A person who has two or more prior convictions for a violation of an injunction or foreign protection order, and who subsequently commits a violation of any injunction or foreign protection order against the same victim, commits a third degree felony. A "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.<sup>41</sup>

### **Injunction for Protection from Stalking**

In addition to the criminal actions covered by an injunction for protection against domestic violence, Florida recognizes stalking as an offense for which a victim may seek civil injunctive protection. Pursuant to [s. 784.0485\(1\), F.S.](#), civil injunctive protection against stalking includes protection against offenses of cyberstalking as defined under [s. 784.048\(1\)\(d\), F.S.](#) A protective injunction against stalking under [s. 784.0485, F.S.](#), is available to a broader group of victims than the traditional domestic violence injunction, which, generally, is limited in its availability to members of the same household or family. Any person who is the victim of stalking or the parent or legal guardian of a minor child who is living at home who seeks an injunction for protection against stalking on behalf of the minor child has standing to file a sworn petition for such an injunction.<sup>42</sup>

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

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

<sup>39</sup> [S. 784.046\(5\), F.S.](#)

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> [S. 784.0485\(1\), F.S.](#)

Upon proper notice and a final evidentiary hearing, the court may grant such relief as it deems appropriate, including the issuance of a final injunction.<sup>43</sup>

### **Domestic Violence and Repeat Violence Injunction Statewide Verification System**

The Florida Department of Law Enforcement is responsible for maintaining a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat violence injunctions issued in Florida. The system must include information related to the existence and status of such injunctions.<sup>44</sup>

### **Felony Battery**

The offense of battery<sup>45</sup> is generally punishable as a first degree misdemeanor.<sup>46</sup> However, if a person commits a battery and he or she has a prior conviction<sup>47, 48</sup> for battery, aggravated battery,<sup>49</sup> or felony battery,<sup>50</sup> the person commits felony battery, which is punishable as a third degree felony.<sup>51</sup>

### **Military Protective Orders**

A military protective order (MPO) is an order similar to a civil injunction for protection that is issued by a commanding officer against an active-duty servicemember over whom he or she has jurisdiction that prohibits the servicemember from having contact with specified persons, and may require such a person to stay away from specified locations, attend counseling, or to surrender his or her government-issued firearms.<sup>52</sup> An MPO may be issued either at the request of a person or at the commanding officer's discretion.<sup>53</sup> Once issued, an MPO must be entered into the National Crime Information Center database, although MPOs are not subject to civilian enforcement.<sup>54</sup> An MPO does not expire, and a commanding officer may modify or terminate the order at any time.<sup>55</sup>

### **Offense Severity Ranking Chart**

<sup>43</sup> [S. 784.0485\(6\)\(a\), F.S.](#)

<sup>44</sup> [S. 741.30\(8\)\(b\), F.S.](#)

<sup>45</sup> A person commits the offense of battery if he or she:

- Actually and intentionally touches or strikes another person against the will of the other; or
- Intentionally causes bodily harm to another person. [S. 784.03\(1\)\(a\), F.S.](#)

<sup>46</sup> [S. 784.03\(1\)\(b\), F.S.](#)

<sup>47</sup> "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered. [S. 784.03\(2\), F.S.](#)

<sup>48</sup> [S. 784.03\(2\), F.S.](#)

<sup>49</sup> A person commits aggravated battery if he or she commits a battery and:

- Such person intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement to the victim or uses a deadly weapon; or
- The person who was the victim of the battery was pregnant at the time of the offense and the person knew or should have known that the victim was pregnant. [S. 784.045, F.S.](#)

<sup>50</sup> A person commits felony battery if he or she actually and intentionally touches or strikes another person against his or her will and causes great bodily harm, permanent disability, or permanent disfigurement to the other person. [S. 784.041, F.S.](#)

<sup>51</sup> [S. 784.03\(2\), F.S.](#)

<sup>52</sup> DD Form 2873, *Military Protective Order*, [DD Form 2873](#) (last visited Mar. 10, 2026). Department of Defense, *Department of Defense Instruction 6400.06*, <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/640006p.pdf> (last visited Mar. 10, 2026). USAG Alaska, Fort Wainwright, *Military Protective & No-Contact Orders* [https://home.army.mil/wainwright/1617/1035/8906/MPO\\_and\\_No-Contact\\_order\\_info\\_sheet.pdf](https://home.army.mil/wainwright/1617/1035/8906/MPO_and_No-Contact_order_info_sheet.pdf) (last visited Mar. 10, 2026).

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

Felony offenses which are subject to the Criminal Punishment Code<sup>56</sup> are listed in a single offense severity ranking chart (OSRC),<sup>57</sup> which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.<sup>58, 59</sup> A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense.<sup>60, 61</sup> The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.<sup>62</sup>

#### *Domestic Violence Sentencing Multiplier*

If a felony offender is convicted of a primary offense, and the primary offense is a crime of domestic violence that was committed in the presence of a child under 16 years old who is a family or household member of the victim or the perpetrator, the offenders subtotal sentence points are multiplied by 1.5 when determining his or her scoresheet calculation.<sup>63</sup>

#### **Domestic Violence Victim Relocation Assistance**

Notwithstanding the general requirements for crime victim compensation awards under [s. 960.13, F.S.](#), the Department of Legal Affairs may award a one-time payment of up to \$1,500 on any one claim and a lifetime maximum of \$3,000 to a domestic violence victim who needs immediate assistance to escape his or her environment. In order for such an award to be granted, the following requirements must be satisfied:

- There must be proof that the domestic violence offense was committed;
- The offense must be reported to the proper authorities;
- A certified domestic center in Florida must certify the victim's need for assistance; and
- Such certification must assert that the victim is cooperating with law enforcement, if applicable, and must include documentation that the victim has developed a safety plan.<sup>64</sup>

<sup>56</sup> All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code. [S. 921.002, F.S.](#)

<sup>57</sup> [S. 921.0022, F.S.](#)

<sup>58</sup> [S. 921.0022\(2\), F.S.](#)

<sup>59</sup> Felony offenses that are not listed in the OSRC default to statutorily assigned levels, as follows: an unlisted third-degree felony defaults to a level 1; an unlisted second-degree felony defaults to a level 4; an unlisted first-degree felony defaults to a level 7; an unlisted first-degree felony punishable by life defaults to a level 9; and an unlisted life felony defaults to a level 10. [S. 921.0023, F.S.](#)

<sup>60</sup> [Ss. 921.0022, F.S.](#) and [921.0024, F.S.](#)

<sup>61</sup> A person may also accumulate points for factors such as victim injury points, community sanction violation points, and certain sentencing multipliers. [S. 921.0024\(1\), F.S.](#)

<sup>62</sup> If a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control. [S. 921.0024\(2\), F.S.](#)

<sup>63</sup> [S. 921.0024\(1\)\(b\), F.S.](#)

<sup>64</sup> [S. 960.198, F.S.](#)