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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/18/2025	.	
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The Committee on Criminal Justice (Sharief) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 784.046, Florida Statutes, is amended to
read:

784.046 Action by victim of repeat violence, sexual
violence, ~~or~~ dating violence, or serious violence by a known
person for protective injunction; dating violence
investigations, notice to victims, and reporting; pretrial



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release violations; public records exemption.-

(1) As used in this section, the term:

(e)~~(a)~~ "Violence" means any 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, by a person against any other person.

(b) "Repeat violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.

(d)~~(e)~~ "Sexual violence" means any one incident of:

1. Sexual battery, as defined in chapter 794;
2. A lewd or lascivious act, as defined in chapter 800, committed upon or in the presence of a person younger than 16 years of age;
3. Luring or enticing a child, as described in chapter 787;
4. Sexual performance by a child, as described in chapter 827; or
5. Any other forcible felony wherein a sexual act is committed or attempted,

regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

(a)~~(d)~~ "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship must ~~shall~~ be determined based on ~~the~~ consideration



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of the following factors:

1. A dating relationship must have existed within the past 6 months;

2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and

3. 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.

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.

(c) "Serious violence by a known person" means an act of violence between individuals who are known to one another, when such violence causes serious bodily injury. As used in this paragraph, the term "serious bodily injury" means a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(2) There is created a cause of action for an injunction 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, and there is created a separate cause of action for an injunction for protection in cases of serious violence by a known person.



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

(b) Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of that minor child, has standing in the circuit court to file a verified petition for an injunction for protection against dating violence.

(c) A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence has standing in the circuit court to file a verified petition for an injunction for protection against sexual violence on his or her own behalf or on behalf of the minor child if:

1. The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent, regardless of whether criminal charges based on the sexual violence have been filed, reduced, or dismissed by the state attorney; or

2. The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of



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imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

(d) A person who is the victim of serious violence by a known person or the parent or legal guardian of a minor child who is living at home and who is the victim of serious violence by a known person has standing in the circuit court to file a verified petition for an injunction for protection against serious violence by a known person on his or her own behalf or on behalf of the minor child if the person has reported such violence to a law enforcement agency and is cooperating with any criminal proceedings against the respondent, regardless of whether criminal charges based on the serious violence have been filed, reduced, or dismissed by the state attorney.

(e)~~(d)~~ A cause of action for an injunction may be sought whether or not any other petition, complaint, or cause of action is currently available or pending between the parties.

(f)~~(e)~~ A cause of action for an injunction does not require that the petitioner be represented by an attorney.

(3)(a) The clerk of the court shall provide a copy of this section, simplified forms, and clerical assistance for the preparation and filing of such a petition by any person who is not represented by counsel.

(b) Notwithstanding any other law, the clerk of the court may not assess a fee for filing a petition for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person. However, subject to legislative appropriation, the clerk of the court may, each quarter, submit to the Justice Administrative Commission a



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certified request for reimbursement for petitions for protection issued by the court under this section 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 the law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed \$20.

(c) No bond is ~~shall be~~ required by the court for the entry of an injunction.

(d) The clerk of the court shall provide the petitioner with a certified copy of any injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person entered by the court.

(4) (a) The verified petition must ~~shall~~ allege the incidents of repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person and must ~~shall~~ include the specific facts and circumstances that form the basis upon which relief is sought. With respect to a minor child who is living at home, the parent or legal guardian seeking the protective injunction on behalf of the minor child must:

1. Have been an eyewitness to, or have direct physical evidence or affidavits from eyewitnesses of, the specific facts and circumstances that form the basis upon which relief is sought, if the party against whom the protective injunction is sought is also a parent, stepparent, or legal guardian of the minor child; or

2. Have reasonable cause to believe that the minor child is a victim of repeat violence, sexual violence, ~~or~~ dating



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violence, or serious violence by a known person to form the basis upon which relief is sought, if the party against whom the protective injunction is sought is a person other than a parent, stepparent, or legal guardian of the minor child.

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

PETITION FOR INJUNCTION FOR PROTECTION
AGAINST REPEAT VIOLENCE, SEXUAL
VIOLENCE, ~~OR~~ DATING VIOLENCE, OR
SERIOUS VIOLENCE BY A KNOWN PERSON

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

1. Petitioner resides at ...(address)... (A petitioner for an injunction for protection against sexual 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)...



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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 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)...

d. Petitioner has suffered serious violence by a known person as demonstrated by the fact that respondent has: ... (list the specific incident of serious violence and the known association to the respondent)...



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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.

(c) Every petition for an injunction against sexual violence, dating violence, ~~or~~ repeat violence, or serious violence by a known person 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)...

(5) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent must ~~shall~~ be personally served with a copy of the petition,



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notice of hearing, and temporary injunction, if any, before
~~prior to~~ the hearing.

(6)(a) When it appears to the court that an immediate and present danger of violence exists, the court may grant a temporary injunction that ~~which~~ may be granted in an ex parte hearing, pending a 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 a hearing ex parte for the purpose of obtaining such temporary injunction, no evidence other than the verified pleading or affidavit may ~~shall~~ be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing.

(c) Any such ex parte temporary injunction is ~~shall be~~ effective for a fixed period not to exceed 15 days. However, an ex parte temporary injunction granted under subparagraph (2)(c)2. is effective for 15 days following the date the respondent is released from incarceration. A full hearing, as provided by this section, must ~~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 ex parte injunction and the full hearing before or during a hearing, for good cause shown by any party.

(7) Upon notice and 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



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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, or serious violence by a known person entered pursuant to this section must ~~shall~~, on its face, indicate that:

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

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

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 issues an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person, 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



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possible on any day of the week and at any time of the day or night. An electronic copy of 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 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 an injunction for protection that has been certified by the clerk of the court, the sheriff may electronically transmit a copy of that injunction to a law enforcement officer who shall serve it in the same manner as a certified copy. The clerk of the court is responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the chief judge's jurisdiction to effect this type of service and to receive a portion of the service fee. A person may not serve or execute 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 injunction. A law enforcement officer must accept a copy of an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known



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person, 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.

(b) A Domestic Violence, Dating Violence, Sexual Violence, ~~and~~ Repeat Violence, and Serious Violence by a Known Person Injunction Statewide 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 serious violence by a known person 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 serious violence by a known person or changes or vacates an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person, 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, or serious violence by a known person upon a respondent, the law enforcement officer must electronically transmit the written proof of service of process



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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, or serious violence by a known person, 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. 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, or serious violence by a known person and other court actions related to the injunction for protection. The automated notice must be made within 12 hours after the sheriff or other law enforcement officer serves the injunction upon the respondent. The notification must include, at a minimum, the date, time, and location where the injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person was served. The Florida Association of Court Clerks and Comptrollers may apply for any available grants to fund the development of the automated process.



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6. Within 24 hours after an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person 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 order of protection.

(9)(a) The court shall enforce, through a civil or criminal contempt proceeding, a violation of 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 violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person in violation of an injunction for protection, the respondent must ~~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



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modify or dissolve an injunction at any time.

(11) Any law enforcement officer who investigates an alleged incident of dating violence shall assist the victim to obtain medical treatment if such is required as a result of the alleged incident to which the officer responds. Any law enforcement officer who investigates an alleged incident of dating violence shall advise the victim of such violence that there is a domestic violence center from which the victim may receive services. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the Department of Law Enforcement. As necessary, the Department of Law Enforcement shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of this section, 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 ~~the~~ state. The notice must ~~shall~~ include:

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

(b) A copy of the following statement:

“IF YOU ARE THE VICTIM OF DATING 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 dating violence which may include, but need not be limited to, provisions that restrain the abuser from further



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acts of abuse; direct the abuser to leave your household; and prevent the abuser from entering your residence, school, business, or place of employment.”

(12) When a law enforcement officer investigates an allegation that an incident of dating violence has occurred, the officer shall handle the incident pursuant to the arrest policy provided in s. 901.15(7), and as developed in accordance with subsections (13), (14), and (16). Whether or not an arrest is made, the officer shall make a written police report that is complete and clearly indicates that the alleged offense was an incident of dating violence. Such report must ~~shall~~ be given to the officer’s supervisor and filed with the law enforcement agency in a manner that will permit data on dating violence cases to be compiled. Such report must include:

(a) A description of physical injuries observed, if any.

(b) If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the grounds for not arresting anyone or for arresting two or more parties.

(c) A statement indicating ~~which indicates~~ that a copy of the legal rights and remedies notice was given to the victim.

Whenever possible, the law enforcement officer shall obtain a written statement from the victim and witnesses concerning the alleged dating violence. The officer shall submit the report to the supervisor or other person to whom the employer’s rules or policies require reports of similar allegations of criminal activity to be made. The law enforcement agency shall, without charge, send a copy of the initial police report, as well as any



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subsequent, supplemental, or related report, which excludes victim or witness statements or other materials that are part of an active criminal investigation and are exempt from disclosure under chapter 119, to the nearest locally certified domestic violence center within 24 hours after the agency's receipt of the report. The report furnished to the domestic violence center must include a narrative description of the dating violence incident.

(13) Whenever a law enforcement officer determines upon probable cause that an act of dating violence has been committed within the jurisdiction, or that a person has violated a condition of pretrial release as provided in s. 903.047 and the original arrest was for an act of dating violence, the officer may arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge does ~~shall~~ not require consent of the victim or consideration of the relationship of the parties.

(14) (a) When complaints are received from two or more parties, the officers shall evaluate each complaint separately to determine whether there is probable cause for arrest.

(b) If a law enforcement officer has probable cause to believe that two or more persons have committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer must ~~shall~~ try to determine who was the primary aggressor. Arrest is the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner to protect or defend himself or herself or another family or household member from dating violence.



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(15) A person who willfully violates a condition of pretrial release provided in s. 903.047, when the original arrest was for an act of dating violence as defined in this section, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and shall be held in custody until his or her first appearance.

(16) A law enforcement officer acting in good faith under this section and the officer's employing agency shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed by reason of the officer's or agency's actions in carrying out the provisions of this section.

Section 2. Paragraph (a) of subsection (5) of section 44.407, Florida Statutes, is amended to read:

44.407 Elder-focused dispute resolution process.—

(5) QUALIFICATIONS FOR ELDERCARING COORDINATORS.—

(a) The court shall appoint qualified eldercaring coordinators who:

1. Meet one of the following professional requirements:

a. Are licensed as a mental health professional under chapter 491 and hold at least a master's degree in the professional field of practice;

b. Are licensed as a psychologist under chapter 490;

c. Are licensed as a physician under chapter 458 or chapter 459;

d. Are licensed as a nurse under chapter 464 and hold at least a master's degree;

e. Are certified by the Florida Supreme Court as a family mediator and hold at least a master's degree;

f. Are a member in good standing of The Florida Bar; or



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g. Are a professional guardian as defined in s. 744.102(17) and hold at least a master's degree.

2. Have completed all of the following:

a. Three years of postlicensure or postcertification practice;

b. A family mediation training program certified by the Florida Supreme Court; and

c. An eldercaring coordinator training program certified by the Florida Supreme Court. The training must total at least 44 hours and must include advanced tactics for dispute resolution of issues related to aging, illness, incapacity, or other vulnerabilities associated with elders, as well as elder, guardianship, and incapacity law and procedures and less restrictive alternatives to guardianship; phases of eldercaring coordination and the role and functions of an eldercaring coordinator; the elder's role within eldercaring coordination; family dynamics related to eldercaring coordination; eldercaring coordination skills and techniques; multicultural competence and its use in eldercaring coordination; at least 6 hours of the implications of elder abuse, neglect, and exploitation and other safety issues pertinent to the training; at least 4 hours of ethical considerations pertaining to the training; use of technology within eldercaring coordination; and court-specific eldercaring coordination procedures. Pending certification of a training program by the Florida Supreme Court, the eldercaring coordinator must document completion of training that satisfies the hours and the elements prescribed in this sub-subparagraph.

3. Have successfully passed a Level 2 background screening as provided in s. 435.04(2) and (3) or are exempt from



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disqualification under s. 435.07. The prospective eldercaring coordinator must submit a full set of fingerprints to the court or to a vendor, entity, or agency authorized by s. 943.053(13). The court, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. The prospective eldercaring coordinator shall pay the fees for state and federal fingerprint processing. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.

4. Have not been a respondent in a final order granting an injunction for protection against domestic violence, dating violence, sexual violence, ~~or~~ repeat violence, serious violence by a known person, or stalking or exploitation of an elder or a disabled person.

5. Have met any additional qualifications the court may require to address issues specific to the parties.

Section 3. Paragraph (c) of subsection (2) of section 61.13, Florida Statutes, is amended to read

61.13 Support of children; parenting and time-sharing; powers of court.—

(2)

(c) The court shall determine all matters relating to parenting and time-sharing of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act, except that modification of a parenting plan



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and time-sharing schedule requires a showing of a substantial and material change of circumstances.

1. It is the public policy of this state that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. Unless otherwise provided in this section or agreed to by the parties, there is a rebuttable presumption that equal time-sharing of a minor child is in the best interests of the minor child. To rebut this presumption, a party must prove by a preponderance of the evidence that equal time-sharing is not in the best interests of the minor child. Except when a time-sharing schedule is agreed to by the parties and approved by the court, the court must evaluate all of the factors set forth in subsection (3) and make specific written findings of fact when creating or modifying a time-sharing schedule.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. In determining detriment to the child, the court shall consider:

- a. Evidence of domestic violence, as defined in s. 741.28;
- b. Whether either parent has or has had reasonable cause to believe that he or she or his or her minor child or children are or have been in imminent danger of becoming victims of an act of domestic violence as defined in s. 741.28 or sexual violence as defined in s. 784.046(1) ~~s. 784.046(1)(e)~~ by the other parent against the parent or against the child or children whom the



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parents share in common regardless of whether a cause of action has been brought or is currently pending in the court;

c. Whether either parent has or has had reasonable cause to believe that his or her minor child or children are or have been in imminent danger of becoming victims of an act of abuse, abandonment, or neglect, as those terms are defined in s. 39.01, by the other parent against the child or children whom the parents share in common regardless of whether a cause of action has been brought or is currently pending in the court; and

d. Any other relevant factors.

3. The following evidence creates a rebuttable presumption that shared parental responsibility is detrimental to the child:

a. A parent has been convicted of a misdemeanor of the first degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775;

b. A parent meets the criteria of s. 39.806(1)(d); or

c. A parent has been convicted of or had adjudication withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and at the time of the offense:

(I) The parent was 18 years of age or older.

(II) The victim was under 18 years of age or the parent believed the victim to be under 18 years of age.

If the presumption is not rebutted after the convicted parent is advised by the court that the presumption exists, shared parental responsibility, including time-sharing with the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the



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court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for time-sharing as specified in the parenting plan as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

4. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include education, health care, and any other responsibilities that the court finds unique to a particular family.

5. The court shall order sole parental responsibility for a minor child to one parent, with or without time-sharing with the other parent if it is in the best interests of the minor child.

6. There is a rebuttable presumption against granting time-sharing with a minor child if a parent has been convicted of or had adjudication withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and at the time of the offense:

a. The parent was 18 years of age or older.

b. The victim was under 18 years of age or the parent believed the victim to be under 18 years of age.

A parent may rebut the presumption upon a specific finding in



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writing by the court that the parent poses no significant risk of harm to the child and that time-sharing is in the best interests of the minor child. If the presumption is rebutted, the court must consider all time-sharing factors in subsection (3) when developing a time-sharing schedule.

7. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to either parent. Full rights under this subparagraph apply to either parent unless a court order specifically revokes these rights, including any restrictions on these rights as provided in a domestic violence injunction. A parent having rights under this subparagraph has the same rights upon request as to form, substance, and manner of access as are available to the other parent of a child, including, without limitation, the right to in-person communication with medical, dental, and education providers.

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

61.1825 State Case Registry.—

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

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

2. A temporary or final injunction for protection against domestic violence has been granted pursuant to s. 741.30(6), an injunction for protection against domestic violence has been



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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 Domestic Violence, Dating Violence, Sexual Violence, ~~and Repeat Violence~~, and Serious Violence by a Known Person 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 394.4597, Florida Statutes, is amended to read:

394.4597 Persons to be notified; patient's representative.—

(2) INVOLUNTARY PATIENTS.—

(e) The following persons are prohibited from selection as a patient's representative:

1. A professional providing clinical services to the patient under this part.

2. The licensed professional who initiated the involuntary examination of the patient, if the examination was initiated by professional certificate.

3. An employee, an administrator, or a board member of the facility providing the examination of the patient.

4. An employee, an administrator, or a board member of a treatment facility providing treatment for the patient.

5. A person providing any substantial professional services to the patient, including clinical services.

6. A creditor of the patient.

7. A person subject to an injunction for protection against domestic violence under s. 741.30, whether the order of



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injunction is temporary or final, and for which the patient was the petitioner.

8. A person subject to an injunction for protection against repeat violence, stalking, sexual violence, ~~or~~ dating violence, or serious violence by a known person under s. 784.046, whether the order of injunction is temporary or final, and for which the patient was the petitioner.

Section 6. Paragraph (h) of subsection (2) of section 394.4598, Florida Statutes, is amended to read:

394.4598 Guardian advocate.—

(2) The following persons are prohibited from appointment as a patient's guardian advocate:

(h) A person subject to an injunction for protection against repeat violence, stalking, sexual violence, ~~or~~ dating violence, or serious violence by a known person under s. 784.046, whether the order of injunction is temporary or final, and for which the patient was the petitioner.

Section 7. Paragraph (b) of subsection (2) of section 741.313, Florida Statutes, is amended to read:

741.313 Unlawful action against employees seeking protection.—

(2)

(b) This section applies if an employee uses the leave from work to:

1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, ~~or~~ sexual violence, or serious violence by a known person;

2. Obtain medical care or mental health counseling, or



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both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;

3. Obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;

4. Make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator; or

5. Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.

Section 8. Subsection (1) of section 784.047, Florida Statutes, is amended to read:

784.047 Penalties for violating protective injunction against violators.—

(1) A person who willfully violates an injunction for protection against repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person issued pursuant to s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315 by:

(a) Refusing to vacate the dwelling that the parties share;

(b) 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;

(c) Committing an act of repeat violence, sexual violence,



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~~or~~ dating violence, or serious violence by a known person
against the petitioner;

(d) Committing any other violation of the injunction
through an intentional unlawful threat, word, or act to do
violence to the petitioner;

(e) Telephoning, contacting, or otherwise communicating
with the petitioner directly or indirectly, unless the
injunction specifically allows indirect contact through a third
party;

(f) Knowingly and intentionally coming within 100 feet of
the petitioner's motor vehicle, whether or not that vehicle is
occupied;

(g) Defacing or destroying the petitioner's personal
property, including the petitioner's motor vehicle; or

(h) Refusing to surrender firearms or ammunition if ordered
to do so by the court,

commits a misdemeanor of the first degree, punishable as
provided in s. 775.082 or s. 775.083, except as provided in
subsection (2).

Section 9. Subsection (4) of section 784.048, Florida
Statutes, is amended to read:

784.048 Stalking; definitions; penalties.—

(4) A person who, after an injunction for protection
against repeat violence, sexual violence, ~~or~~ dating violence, or
serious violence by a known person pursuant to s. 784.046, or an
injunction for protection against domestic violence pursuant to
s. 741.30, or after any other court-imposed prohibition of
conduct toward the subject person or that person's property,



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knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Paragraph (m) of subsection (2) of section 934.03, Florida Statutes, is amended to read:

934.03 Interception and disclosure of wire, oral, or electronic communications prohibited.—

(2)

(m) It is lawful under this section and ss. 934.04-934.09 for a person who is protected under an active temporary or final injunction for repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person under s. 784.046; stalking under s. 784.0485; domestic violence under s. 741.30; or any other court-imposed prohibition of conduct toward the person to intercept and record a wire, oral, or electronic communication received in violation of such injunction or court order. A recording authorized under this paragraph may be provided to a law enforcement agency, an attorney, or a court for the purpose of evidencing a violation of an injunction or court order if the subject of the injunction or court order prohibiting contact has been served the injunction or is on notice that the conduct is prohibited. A recording authorized under this paragraph may not be otherwise disseminated or shared.

Section 11. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in references thereto, paragraphs (a), (c), and (d) of subsection (8) of section 28.2221, Florida Statutes, are reenacted to read:



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28.2221 Electronic access to official records.—

(8)(a) Each county recorder or clerk of the court must make the identity of each respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered, as well as the fact that a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 has been entered against that respondent, publicly available on the county recorder's or clerk of the court's official website, unless the respondent is a minor. The identity and information required under this subsection must be viewable through a searchable database that is available in a clear and conspicuous location on the homepage of the county recorder's or clerk of the court's official website and must be available for search by the general public.

(c) Any information specified in this subsection not made available by the county clerk of the court as provided in this subsection before July 1, 2024, must be made publicly available on the county recorder's or clerk of the court's official website if the affected party identifies the information and requests that such information be added for general public display. Such request must be in writing and delivered by mail, facsimile, or electronic transmission or in person to the county recorder or clerk of the court. The request must specify the case number assigned to the final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485. A fee may not be charged for the addition of information pursuant to such request.

(d) No later than 30 days after July 1, 2024, notice of the



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right of any affected party to request the addition of information to the searchable database on the county recorder's or clerk of the court's official website pursuant to this subsection must be conspicuously and clearly displayed by the county recorder or clerk of the court on the county recorder's or clerk of the court's official website on which images or copies of the county's public records are placed and in the office of each county recorder or clerk of the court. Such notice must contain appropriate instructions for making the addition of information request in person, by mail, by facsimile, or by electronic transmission. The notice must state, in substantially similar form, that any person has a right to request that a county recorder or clerk of the court add information to the searchable database on the county recorder's or clerk of the court's official website if that information involves the identity of a respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered, unless the respondent is a minor. The notice must also state that the information related to the identity of each respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered is available for search by the general public. The notice must include step-by-step instructions detailing how a user can access the searchable database and search for such information. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission or in person to the county recorder or clerk of the court. The request must specify the case number assigned to the final judgment for an injunction for



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the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485. A fee may not be charged for the addition of a document pursuant to such request.

Section 12. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (i) of subsection (2) of section 28.35, Florida Statutes, is reenacted to read:

28.35 Florida Clerks of Court Operations Corporation.—

(2) The duties of the corporation shall include the following:

(i) Annually preparing a budget request which, notwithstanding the provisions of chapter 216 and in accordance with s. 216.351, provides the anticipated amount necessary for reimbursement pursuant to ss. 40.29(6), 741.30(2)(a), 784.046(3)(b), 784.0485(2)(a), and 825.1035(4)(i). The request for the anticipated reimbursement amount must be submitted in the form and manner prescribed by the Justice Administrative Commission. Such request is not subject to change by the Justice Administrative Commission, except for technical changes necessary to conform to the legislative budget instructions, and must be submitted to the Governor for transmittal to the Legislature.

Section 13. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (8) of section 57.105, Florida Statutes, is reenacted to read:

57.105 Attorney's fee; sanctions for raising unsupported claims or defenses; exceptions; service of motions; damages for delay of litigation.—



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(8) Attorney fees may not be awarded under this section in proceedings for an injunction for protection pursuant to s. 741.30, s. 784.046, or s. 784.0485, unless the court finds by clear and convincing evidence that the petitioner knowingly made a false statement or allegation in the petition or that the respondent knowingly made a false statement or allegation in an asserted defense, with regard to a material matter as defined in s. 837.011(3).

Section 14. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (2) of section 741.311, Florida Statutes, is reenacted to read:

741.311 Hope Card Program for persons issued orders of protection.—

(2) Beginning October 1, 2024, a person who has been issued a final judgment on injunction for protection under s. 741.30, s. 784.046, s. 784.0485, or s. 825.1035 may request a Hope Card from the clerk of the court of the circuit in which the order for an injunction for protection was entered. A person may request a Hope Card at the time the final judgment on injunction for protection is issued or at any other time before the expiration of the order for protection.

Section 15. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (2) of section 741.315, Florida Statutes, is reenacted to read:

741.315 Recognition of foreign protection orders.—

(2) Pursuant to 18 U.S.C. s. 2265, an injunction for protection against domestic violence issued by a court of a



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foreign state must be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as if it were the order of a Florida court issued under s. 741.30, s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487, 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. Ex parte foreign injunctions for protection are not eligible for enforcement under this section 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.

Section 16. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in references thereto, paragraph (e) of subsection (2) and paragraph (c) of subsection (3) of section 790.401, Florida Statutes, are reenacted to read:

790.401 Risk protection orders.—

(2) PETITION FOR A RISK PROTECTION ORDER.—There is created an action known as a petition for a risk protection order.

(e) A petition must:

1. Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts



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that give rise to a reasonable fear of significant dangerous acts by the respondent;

2. Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody, or control; and

3. Identify whether there is a known existing protection order governing the respondent under s. 741.30, s. 784.046, or s. 784.0485 or under any other applicable statute.

(3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

(c) In determining whether grounds for a risk protection order exist, the court may consider any relevant evidence, including, but not limited to, any of the following:

1. A recent act or threat of violence by the respondent against himself or herself or others, whether or not such violence or threat of violence involves a firearm.

2. An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against himself or herself or others.

3. Evidence of the respondent being seriously mentally ill or having recurring mental health issues.

4. A violation by the respondent of a risk protection order or a no contact order issued under s. 741.30, s. 784.046, or s. 784.0485.

5. A previous or existing risk protection order issued against the respondent.

6. A violation of a previous or existing risk protection order issued against the respondent.



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7. Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in s. 741.28.

8. Whether the respondent has used, or has threatened to use, against himself or herself or others any weapons.

9. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.

10. The recurring use of, or threat to use, physical force by the respondent against another person or the respondent stalking another person.

11. Whether the respondent, in this state or any other state, has been arrested for, convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence.

12. Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.

13. Evidence of recent acquisition of firearms or ammunition by the respondent.

14. Any relevant information from family and household members concerning the respondent.

15. Witness testimony, taken while the witness is under oath, relating to the matter before the court.

Section 17. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (6) of section 901.15, Florida Statutes, is reenacted to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant



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when:

(6) There is probable cause to believe that the person has committed a criminal act according to s. 790.233 or according to s. 741.31, s. 784.047, or s. 825.1036 which violates an injunction for protection entered pursuant to s. 741.30, s. 784.046, or s. 825.1035 or a foreign protection order accorded full faith and credit pursuant to s. 741.315, over the objection of the petitioner, if necessary.

Section 18. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (5) of section 901.41, Florida Statutes, is reenacted to read:

901.41 Prearrest diversion programs.—

(5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime of domestic violence, as defined in s. 741.28, or a misdemeanor under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, or s. 784.049 does not qualify for a civil citation or prearrest diversion program.

Section 19. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (p) of subsection (6) of section 921.141, Florida Statutes, is reenacted to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(6) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(p) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant



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to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Section 20. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (j) of subsection (7) of section 921.1425, Florida Statutes, is reenacted to read:

921.1425 Sentence of death or life imprisonment for capital sexual battery; further proceedings to determine sentence.—

(7) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(j) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Section 21. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (i) of subsection (7) of section 921.1427, Florida Statutes, is reenacted to read:

921.1427 Sentence of death or life imprisonment for capital human trafficking of vulnerable persons for sexual exploitation; further proceedings to determine sentence.—

(7) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(i) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant



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to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Section 22. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (3) of section 934.425, Florida Statutes, is reenacted to read:

934.425 Installation or use of tracking devices or tracking applications; exceptions; penalties.—

(3) For purposes of this section, a person's consent is presumed to be revoked if:

(a) The consenting person and the person to whom consent was given are lawfully married and one person files a petition for dissolution of marriage from the other; or

(b) The consenting person or the person to whom consent was given files an injunction for protection against the other person pursuant to s. 741.30, s. 741.315, s. 784.046, or s. 784.0485.

Section 23. This act shall take effect July 1, 2026.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to injunctions for protection;
amending s. 784.046, F.S.; defining the terms "serious violence by a known person" and "serious bodily injury"; creating a cause of action for an injunction



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1142 for protection in cases of serious violence by a known
1143 person; specifying the persons who have standing to
1144 file such injunction for protection in circuit court
1145 if specified conditions are met; prohibiting the clerk
1146 of the court from assessing a fee for the filing of
1147 such injunction for protection; requiring the clerk of
1148 the court to provide the petitioner with a certified
1149 copy of such injunction for protection; providing
1150 requirements for such petition for injunction for
1151 protection; providing requirements for a temporary or
1152 final judgment on such injunction for protection;
1153 requiring the clerk of the court to electronically
1154 transmit copies of specified documents within a
1155 certain timeframe after a court issues such injunction
1156 for protection; requiring law enforcement officers to
1157 accept a certified copy of such injunction for
1158 protection from the petitioner and immediately serve
1159 it upon a respondent; providing requirements for
1160 inclusion of such injunction for protection in a
1161 specified statewide communication system; requiring
1162 that a respondent be held in custody if he or she is
1163 arrested for committing an act of serious violence by
1164 a known person in violation of an injunction for
1165 protection until being brought before the court;
1166 conforming provisions to changes made by the act;
1167 making technical changes; amending ss. 44.407, 61.13,
1168 61.1825, 394.4597, 394.4598, 741.313, 784.047,
1169 784.048, and 934.03, F.S.; conforming provisions to
1170 changes made by the act; reenacting ss. 28.2221



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1171 (8) (a), (c), and (d), 28.35(2) (i), 57.105(8),
1172 741.311(2), 741.315(2), 790.401(2) (e) and (3) (c),
1173 901.15(6), 901.41(5), 921.141(6) (p), 921.1425(7) (j),
1174 921.1427(7) (i), and 934.425(3), F.S.; relating to
1175 electronic access to official records, Florida Clerks
1176 of Court Operations Corporation, the awarding of
1177 attorney fees, Hope Card Program for persons issued
1178 orders of protection, recognition of foreign
1179 protection orders, risk protection orders, when arrest
1180 by a law enforcement officer without a warrant is
1181 lawful, prearrest diversion programs, aggravating
1182 factors relating to a sentence of death or life
1183 imprisonment for capital felonies, aggravating factors
1184 relating to a sentence of death or life imprisonment
1185 for capital sexual battery, aggravating factors
1186 relating to a sentence of death or life imprisonment
1187 for capital human trafficking of vulnerable persons
1188 for sexual exploitation, and installation or use of
1189 tracking devices or applications, respectively, to
1190 incorporate the amendment made to s. 784.046, F.S., in
1191 references thereto; providing an effective date.