

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 32

INTRODUCER: Criminal Justice Committee and Senator Sharief and others

SUBJECT: Injunctions for Protection in Cases of Repeat or Serious Violence

DATE: January 20, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 32 amends s. 784.046, F.S., to create a cause of action for a protective injunction for serious violence by a known person. A person who is the victim of serious violence by a known person, or the parent or legal guardian of a minor who is a victim, has standing to file a verified petition for an injunction for protection if such violence has been reported to law enforcement and the person is cooperating with criminal proceedings.

The bill defines “serious violence by a known person” to mean an act of violence between individuals who are known to one another, when such violence causes serious bodily injury. Additionally, the bill defines “serious bodily injury” as 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.

The bill incorporates serious violence by a known person into the Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System.

The bill amends s. 44.407, F.S., to restrict a respondent from performing the duties of an eldercare coordinator. The bill amends s. 394.4597, F.S. to restrict a respondent from performing the duties of a patient representative for involuntary patients. The bill amends s. 394.4598, F.S., to restrict a respondent from performing the duties of a patient’s guardian advocate.

The bill amends s. 934.03, F.S., to allow a person protected under an active temporary or final injunction for serious violence by a known person, to intercept and record a wire, oral, or electronic communication received in violation of the injunction. The recording may only be disseminated or shared to a law enforcement agency, an attorney, or a court for the purpose of evidencing a violation of an injunction or court order.

The bill reenacts various statutes to incorporate the changes made to s. 784.046, F.S., relating to the creation of the new cause of action for an injunction for protection in cases of serious violence by a known person.

The bill has a negative indeterminate fiscal impact. See Section V., Fiscal Impact Statement.

The bill is effective on July 1, 2026.

II. Present Situation:

An injunction for protection is a court order directing a respondent to stay away from a petitioner's home, car, work, and any other place that the court feels necessary.¹ Serious violence is an ongoing issue in local communities, specifically between neighbors. Florida law does not currently have any civil injunctive protections for these types of cases.

On May 30, 2025, Ocala officers responded to a report about a neighbor spraying children with bear mace. As the children were playing with bubbles on their property, the neighbor allegedly walked over to the fence separating the properties and sprayed mace at them, which can be toxic if ingested. The neighbor had been previously arrested for a dispute with another neighbor in 2019 which resulted in criminal charges for aggravated assault with a weapon and stalking.²

On October 17, 2025, a man was arrested and charged with aggravated assault after he allegedly approached his neighbor's property with a knife and threatened her and other family members. While on his way to the Putman County Jail, he said he planned to "beat" the neighbor when he got out of jail.³

¹ FL Courts, Overview of Injunctions for Respondents, available at: <https://www.flcourts.gov/Services/Family-Courts/interpersonal-violence/Domestic-Violence/Overview-for-Respondents> (last visited January 16, 2026).

² Fox35 Orlando, *Florida Woman Sprays Bear Mace*, June 4, 2025, available at: <https://www.fox35orlando.com/news/florida-woman-sprays-bear-mace-neighbor-her-children-deputies> (last visited January 16, 2026).

³ People, *Florida Man, 61, Arrested...*, available at: https://uk.news.yahoo.com/florida-man-61-arrested-allegedly-135812994.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xiLmNvbS8&guce_referrer_sig=AQAAIVImUfAeq1HA2Vj6BYrWsnvzt1e3Si-4wWEiACWNAC5x7BFC-JY05jF8i2slGz04GQmJk0rSipEFzp5lAh_iKvKRBS9FNZ0CRDL0wdoew3pzFHguIIYBTThGfAJCasOielQ104cww1folub0HuZbIHMG06e7HMGn1Ye6qzVX59 (last visited January 16, 2026).

Causes of Action for Protective Injunctions

Under s. 784.046, F.S., there are three protective injunctions a person may petition for: an injunction for protection in cases of repeat violence,⁴ an injunction for protection in cases of dating violence,⁵ and an injunction for protection in cases of sexual violence.^{6,7} However, this section is limited dependent on the nature of the relationship or the act of repeated or sexual violence. “Violence” is defined as 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.⁸ There is not a separate protective cause of action for a protective injunction for serious violence by a known person.

Dating Violence

A person may file a petition in circuit court for an injunction for protection against dating violence if he or she:

- Is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming a victim of another act of dating violence;
- Has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence; or
- Is the parent or legal guardian of any minor child in the home and who seeks an injunction for protection against dating violence on behalf of the minor.⁹

Dating violence is determined by the existence of a relationship based on 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.¹⁰

Dating violence 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.

⁴ “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. Section 784.046(1)(b), F.S.

⁵ “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 shall be determined based on the consideration of certain factors. Section 784.046(1)(d), F.S.

⁶ “Sexual violence” means any one incident of: sexual battery, lewd or lascivious act committed upon or in the presence of a person younger than 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. Section 784.046(1)(c), F.S.

⁷ Section 784.046(2), F.S.

⁸ Section 784.046, F.S.

⁹ Section 784.046(2)(b), F.S.

¹⁰ Section 784.046(1)(d)1-3., F.S.

Sexual Violence

A person may file a petition in circuit court for an injunction against sexual violence if they are 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. They may file the petition on his or her own behalf or on behalf of the minor child if:

- The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceedings against the respondent.
- The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of 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 was filed.¹¹

Repeat Violence

Any person who is the victim of repeat violence, or the parent or legal guardian of a child who seeks an injunction for protection against repeat violence on behalf of the child, has standing to file a verified petition for an injunction for protection against repeat violence.¹² For an injunction for protection against repeat violence, there must be two incidents of violence or stalking committed by the respondent.¹³

Procedure for Filing Injunctions

A cause of action does not require that the petitioner be represented by an attorney.¹⁴ The clerk of the court must provide a copy of s. 784.046, F.S.,¹⁵ simplified forms, and clerical assistance for the preparation and filing of such a petition by any person who is not represented by counsel.¹⁶ The clerk of the court may not assess a fee for filing a petition against repeat violence, sexual violence, or dating violence¹⁷ and no bond will be required by the court for entry of an injunction.¹⁸ The clerk of the court must provide the petitioner with a certified copy of any injunction for protection against repeat violence, sexual violence, or dating violence entered by the court.¹⁹

Additionally, 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.²⁰

¹¹ Section 784.046(2)(c), F.S.

¹² Section 784.046(2)(a), F.S.

¹³ Section 784.046(1)(b), F.S.

¹⁴ Section 784.046(2)(e), F.S.

¹⁵ Section 784.046, F.S., Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption.

¹⁶ Section 784.046(3)(a), F.S.

¹⁷ Section 784.046(3)(b), F.S.

¹⁸ Section 784.046(3)(c), F.S.

¹⁹ Section 784.046(3)(d), F.S.

²⁰ Section 784.046(2)(d), F.S.

Petitions for Injunctions

The verified petition must allege the incidents of repeat violence, sexual violence, or dating violence and must include the specific facts and circumstances that form the basis upon which relief is sought.

The parent or legal guardian of a minor child seeking the protective injunction on behalf of the minor child must:

- Have been 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 respondent is also a parent, stepparent, or legal guardian of the minor child; or
- Have reasonable cause to believe that the minor child is a victim of repeat violence, sexual violence, or dating violence to form the basis upon which relief is sought, if the respondent is a person other than a parent, stepparent, or legal guardian of the minor child.²¹

Upon the filing of the petition, the court must set a hearing to be held at the earliest possible time and notify the respondent prior to the hearing. When it appears to the court that an immediate and present danger exists, the court may grant a temporary injunction which may be granted in an ex parte hearing and may enjoin the respondent from committing any acts of violence.²² Any ex parte temporary injunction may not exceed 15 days.²³

Upon notice and hearing, the court may grant relief as the court deems proper, including an injunction:

- Enjoining the respondent from committing any acts of violence.²⁴
- Ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies.²⁵

Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System

A Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System exists under the Department of Law Enforcement's purview. The system is required to be 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 issued by the courts throughout the state.²⁶

III. Effect of Proposed Changes:

Section 1 amends s. 784.046, F.S., to create a cause of action for a protective injunction for serious violence by a known person. A person who is the victim of serious violence by a known person, or the parent or legal guardian of a minor who is a victim, has standing to file a verified petition for an injunction for protection if such violence has been reported to law enforcement and the person is cooperating with criminal proceedings. The bill defines "serious violence by a

²¹ Section 784.046(4)(a), F.S.

²² Section 784.046(6)(a), F.S.

²³ Section 784.046(6)(c), F.S.

²⁴ Section 784.046(7)(a), F.S.

²⁵ Section 784.046(7)(b), F.S.

²⁶ Section 784.046(8)(b), F.S.

known person” to mean an act of violence between individuals who are known to one another, when such violence causes serious bodily injury. Additionally, the bill defines “serious bodily injury” as 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.

The bill incorporates serious violence by a known person into the Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System.

Sections 2, 5, and 6 amend ss. 44.407, 394.4597, and 394.4598, F.S., to restrict a respondent in a final order granting an injunction for protection against serious violence by a known person from performing the duties of an eldercare coordinator, a patient representative for involuntary patients, or a patient’s guardian advocate, respectively.

Sections 3 and 4 amend ss. 61.13 and 61.1825, F.S., respectively, to conform provisions to changes made by the act.

Section 7 amends s. 741.313, F.S., to require an employer to permit an employee to request and take up to 3 working days of leave from work in any 12-month period if the employee or a family or household member of an employee is the victim of domestic violence or sexual violence and the employee uses the leave from work to seek an injunction for protection in cases of serious violence by a known person.

Section 8 amends s. 784.047 F.S., to provide that a person who willfully violates an injunction for protection against serious violence by a known person commits a first degree misdemeanor.²⁷

Section 9 amends s. 784.048, F.S., to provide that a person who after an injunction for protection against serious violence by a known person, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree.²⁸

Section 10 amends s. 934.03, F.S., to allow a person protected under an active temporary or final injunction for serious violence by a known person, to intercept and record a wire, oral, or electronic communication received in violation of the injunction. The recording may only be disseminated or shared to a law enforcement agency, an attorney, or a court for the purpose of evidencing a violation of an injunction or court order.

Sections 11 through 23 reenact the following sections to incorporate the amendment made by the bill to s. 784.046, F.S., relating to the creation of a new cause of action for an injunction for protection in cases of serious violence by a known person:

- Section 28.2221 (8)(a), (c), and (d), F.S., relating to electronic access to official records.
- Section 28.35(2)(i), F.S., relating to the Florida Clerks of Court Operations Corporation.
- Section 57.105(8), F.S., relating to attorney’s fee.

²⁷ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

²⁸ A third degree felony is punishable by a term of imprisonment not exceeding 5 years and a fine of up to \$5,000. Sections 775.082(3)(e) and 775.083(1)(c), F.S. See section 934.03(4), F.S., for exceptions to such punishment.

- Section 61.1827(1), F.S., relating to identifying information concerning applicants for and recipients of child support services.
- Section 741.311(2), F.S., relating to the Hope Card Program for persons issued order for protection.
- Section 741.315(2), F.S., relating to recognition of foreign protection orders.
- Section 790.401(2)(e) and (3)(c), F.S., relating to risk protection orders.
- Section 901.15(6), F.S., relating to when arrest by an officer without warrant is lawful.
- Section 901.41(5), F.S., relating to prearrest diversion programs.
- Section 921.141(6)(p), F.S., relating to sentence of death or life imprisonment for capital felonies.
- Section 921.1425(7)(j), F.S., relating to sentence of death or life imprisonment for capital sexual battery.
- Section 921.1427(7)(i), F.S. relating to sentence of death or life imprisonment for capital human trafficking of vulnerable persons for sexual exploitation.
- Section 934.425(3), F.S., relating to installation or use of tracking devices or tracking applications.

Section 24 provides that the bill is effective on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There is likely a negative indeterminate fiscal impact associated with the creation of a new cause for a protective injunction due to an increase in petitions being filed. The clerk of the court may not assess a fee for filing a petition for injunction against repeat violence, sexual violence, or dating violence. However, subject to legislative appropriation, the clerk of court may, each quarter, submit to the Justice Administrative Commission a certified request for reimbursement for petitions for protection issued by the court at the rate of \$40 per petition.²⁹ Additionally, the bill incorporates injunctions for serious violence by a known person as an aggravating factor in various sentences to include the sentence of death or life imprisonment, leading to an increase in death penalty sentences.

The bill also provides that a person who willfully violates an injunction for protection against serious violence by a known person commits a first degree misdemeanor or third degree felony depending on the circumstances. This may lead to an increase in arrests and subsequent court fees and fines.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 784.046, 44.407, 61.13, 61.1825, 394.4597, 394.4598, 741.313, 784.047, 784.048, and 934.03.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on November 18, 2025:

The committee substitute:

- Creates a separate cause of action for a protective injunction for serious violence by a known person.
- Defines “serious violence by a known person” as an act of violence between individuals who are known to one another, when such violence causes serious bodily injury. The term “serious bodily injury” means a physical condition that creates a

²⁹ Section 784.046(3)(a), F.S.

substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
