

By Senator Sharief

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A bill to be entitled

An act relating to injunctions for protection in cases of repeat or serious violence; amending s. 784.046, F.S.; replacing the term "repeat violence" with the term "repeat or serious violence"; defining the term "repeat or serious violence"; expanding the grounds for an existing cause of action for an injunction of protection to include serious violence in addition to repeat violence; revising the name of an existing cause of action to an injunction for protection in cases of repeat or serious violence, rather than in cases of repeat violence; conforming provisions to changes made by the act; amending ss. 44.407, 61.1825, 119.0714, 394.4597, 394.4598, 741.2901, 741.30, 741.313, 784.047, 784.048, 790.06, 790.065, 934.03, and 943.05, F.S.; conforming provisions to changes made by the act; reenacting ss. 28.2221(8)(a), (c), and (d), 61.1827(1), 741.311(2), 741.315(2), 790.401(2)(e) and (3)(c), 901.15(6), 901.41(5), 921.141(6)(p), 921.1425(7)(j), 921.1427(7)(i), and 934.425(3), F.S., relating to electronic access to official records, identifying information concerning applicants for and recipients of child support services, Hope Card Program for persons issued orders of protection, recognition of foreign protection orders, risk protection orders, when arrest by a law enforcement officer without a warrant is lawful, prearrest diversion programs, aggravating factors relating to a sentence of death or life imprisonment

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for capital felonies, aggravating factors relating to a sentence of death or life imprisonment for capital sexual battery, aggravating factors relating to a sentence of death or life imprisonment for capital human trafficking of vulnerable persons for sexual exploitation, and installation or use of tracking devices or tracking applications, respectively, to incorporate the amendment made to s. 784.046, F.S., in references thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

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

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

(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 or serious violence" means:

1. 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

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petitioner or the petitioner's immediate family member;

2. One act committed by the respondent which causes bodily injury to the petitioner; or

3. A death threat made by the respondent against the petitioner.

(c) "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.

(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 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

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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.

(2) There is created a cause of action for an injunction for protection in cases of repeat or serious 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.

(a) Any person who is the victim of repeat or serious 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 or serious 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 or serious 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

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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 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 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.

(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 or serious violence, sexual violence, or dating

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146 violence. However, subject to legislative appropriation, the  
147 clerk of the court may, each quarter, submit to the Justice  
148 Administrative Commission a certified request for reimbursement  
149 for petitions for protection issued by the court under this  
150 section at the rate of \$40 per petition. The request for  
151 reimbursement must be submitted in the form and manner  
152 prescribed by the Justice Administrative Commission. From this  
153 reimbursement, the clerk shall pay the law enforcement agency  
154 serving the injunction the fee requested by the law enforcement  
155 agency; however, this fee may not exceed \$20.

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

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

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

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

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2. Have reasonable cause to believe that the minor child is a victim of repeat or serious violence, sexual violence, or dating violence 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 OR SERIOUS VIOLENCE, SEXUAL  
VIOLENCE, OR DATING VIOLENCE

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

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

4. Petitioner genuinely fears repeat or serious violence by the respondent.



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

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262 (6) (a) When it appears to the court that an immediate and  
263 present danger of violence exists, the court may grant a  
264 temporary injunction that ~~which~~ may be granted in an ex parte  
265 hearing, pending a full hearing, and may grant such relief as  
266 the court deems proper, including an injunction enjoining the  
267 respondent from committing any acts of violence.

268 (b) Except as provided in s. 90.204, in a hearing ex parte  
269 for the purpose of obtaining such temporary injunction, no  
270 evidence other than the verified pleading or affidavit may ~~shall~~  
271 be used as evidence, unless the respondent appears at the  
272 hearing or has received reasonable notice of the hearing.

273 (c) Any such ex parte temporary injunction is ~~shall be~~  
274 effective for a fixed period not to exceed 15 days. However, an  
275 ex parte temporary injunction granted under subparagraph  
276 (2) (c) 2. is effective for 15 days following the date the  
277 respondent is released from incarceration. A full hearing, as  
278 provided by this section, must ~~shall~~ be set for a date no later  
279 than the date when the temporary injunction ceases to be  
280 effective. The court may grant a continuance of the ex parte  
281 injunction and the full hearing before or during a hearing, for  
282 good cause shown by any party.

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

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

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

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(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 or serious violence, sexual violence, or dating violence 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 or serious violence, sexual violence, or dating violence, the clerk of the court shall electronically transmit a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. An electronic copy of an injunction must be certified by the clerk of the court, and the electronic

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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 or serious violence, sexual violence, or dating violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

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(b) A Domestic, Dating, Sexual, and Repeat or Serious Violence 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 or serious violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

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

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

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

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

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

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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 or serious violence, sexual violence, or dating violence 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 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

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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 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



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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 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.

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(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.

(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

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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 ELDERCARE 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

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

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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 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

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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, dating, sexual, or repeat or serious violence 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 (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 issued by a court of a foreign state pursuant to s. 741.315, or a temporary or final injunction for protection against repeat or serious 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, Dating, Sexual, and Repeat or Serious Violence Injunction Statewide Verification System, established

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pursuant to s. 784.046(8)(b), that a court has granted a party a domestic violence or repeat or serious violence injunction.

Section 4. Paragraph (k) of subsection (1) of section 119.0714, Florida Statutes, is amended to read:

119.0714 Court files; court records; official records.—

(1) COURT FILES.—Nothing in this chapter shall be construed to exempt from s. 119.07(1) a public record that was made a part of a court file and that is not specifically closed by order of court, except:

(k)1. A petition, and the contents thereof, for an injunction for protection against domestic violence, repeat or serious violence, dating violence, sexual violence, stalking, or cyberstalking that is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued on or after July 1, 2017, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. A petition, and the contents thereof, for an injunction for protection against domestic violence, repeat or serious violence, dating violence, sexual violence, stalking, or cyberstalking that is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued before July 1, 2017, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution only upon request by an individual named in the petition as a respondent. The request must be in the form of a signed, legibly written request

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specifying the case name, case number, document heading, and page number. The request must be delivered by mail, facsimile, or electronic transmission or in person to the clerk of the court. A fee may not be charged for such request.

3. Any information that can be used to identify a petitioner or respondent in a petition for an injunction against domestic violence, repeat or serious violence, dating violence, sexual violence, stalking, or cyberstalking, and any affidavits, notice of hearing, and temporary injunction, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary 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

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

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

Section 7. Subsection (3) of section 741.2901, Florida Statutes, is amended to read:

741.2901 Domestic violence cases; prosecutors; legislative intent; investigation; duty of circuits; first appearance.—

(3) Before ~~Prior to~~ a defendant's first appearance in any charge of domestic violence as defined in s. 741.28, the State Attorney's Office shall perform a thorough investigation of the defendant's history, including, but not limited to: prior



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arrests for domestic violence, prior arrests for nondomestic charges, prior injunctions for protection against domestic and repeat or serious violence filed listing the defendant as respondent and noting history of other victims, and prior walk-in domestic complaints filed against the defendant. This information must ~~shall~~ be presented at first appearance, when setting bond, and when passing sentence, for consideration by the court. When a defendant is arrested for an act of domestic violence, the defendant must ~~shall~~ be held in custody until brought before the court for admittance to bail in accordance with chapter 903. In determining bail, the court shall consider the safety of the victim, the victim's children, and any other person who may be in danger if the defendant is released.

Section 8. Paragraph (c) of subsection (2) and paragraph (b) of subsection (8) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(2)

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

2. All clerks' offices shall provide simplified petition forms for the injunction, any modifications, and the enforcement thereof, including instructions for completion.

3. The clerk of the court shall advise petitioners of the

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726 opportunity to apply for a certificate of indigence in lieu of  
727 prepayment for the cost of the filing fee, as provided in  
728 paragraph (a).

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

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

736 6. Clerks of court and appropriate staff in each county  
737 shall receive training in the effective assistance of  
738 petitioners as provided or approved by the Florida Association  
739 of Court Clerks.

740 7. The clerk of the court in each county shall make  
741 available informational brochures on domestic violence when such  
742 brochures are provided by local certified domestic violence  
743 centers.

744 8. The clerk of the court in each county shall distribute a  
745 statewide uniform informational brochure to petitioners at the  
746 time of filing for an injunction for protection against domestic  
747 or repeat or serious violence when such brochures become  
748 available. The brochure must include information about the  
749 effect of giving the court false information about domestic  
750 violence.

751 (8)

752 (b) A Domestic and Repeat or Serious Violence Injunction  
753 Statewide Verification System is created within the Department  
754 of Law Enforcement. The department shall establish, implement,

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and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat or serious violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

Section 9. 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 or serious violence, dating violence, or sexual violence;

2. Obtain medical care or mental health counseling, or 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

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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 10. 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 or serious violence, sexual violence, or dating violence, 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 or serious violence, sexual violence, or dating violence 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;

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(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 11. 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 or serious violence, sexual violence, or dating violence 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, 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 12. Subsections (2) and (3) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or concealed firearm.—

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(a) Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United

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States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity that ~~which~~ prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been:

1. Found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted; or

2. Committed for the abuse of a controlled substance under chapter 397 or under the provisions of former chapter 396 or similar laws of any other state. An applicant who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d. or pursuant to the law of the state in which the commitment occurred is deemed not to be committed for the abuse of a controlled substance under this subparagraph;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been convicted under s.

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790.151 or has been deemed a habitual offender under s.  
856.011(3), or has had two or more convictions under s. 316.193  
or similar laws of any other state, within the 3-year period  
immediately preceding the date on which the application is  
submitted;

(g) Desires a legal means to carry a concealed weapon or  
concealed firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of  
the following:

1. Completion of any hunter education or hunter safety  
course approved by the Fish and Wildlife Conservation Commission  
or a similar agency of another state;

2. Completion of any National Rifle Association firearms  
safety or training course;

3. Completion of any firearms safety or training course or  
class available to the general public offered by a law  
enforcement agency, junior college, college, or private or  
public institution or organization or firearms training school,  
using instructors certified by the National Rifle Association,  
Criminal Justice Standards and Training Commission, or the  
Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or  
training course or class offered for security guards,  
investigators, special deputies, or any division or subdivision  
of a law enforcement agency or security enforcement;

5. Presents evidence of equivalent experience with a  
firearm through participation in organized shooting competition  
or United States military service;

6. Is licensed or has been licensed to carry a concealed

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900 weapon or concealed firearm in this state or a county or  
901 municipality of this state, unless such license has been revoked  
902 for cause; or

903 7. Completion of any firearms training or safety course or  
904 class conducted by a state-certified or National Rifle  
905 Association certified firearms instructor;

906  
907 A photocopy of a certificate of completion of any of the courses  
908 or classes; an affidavit from the instructor, school, club,  
909 organization, or group that conducted or taught such course or  
910 class attesting to the completion of the course or class by the  
911 applicant; or a copy of any document that shows completion of  
912 the course or class or evidences participation in firearms  
913 competition shall constitute evidence of qualification under  
914 this paragraph. A person who conducts a course pursuant to  
915 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as  
916 an instructor, attests to the completion of such courses, must  
917 maintain records certifying that he or she observed the student  
918 safely handle and discharge the firearm in his or her physical  
919 presence and that the discharge of the firearm included live  
920 fire using a firearm and ammunition as defined in s. 790.001;

921 (i) Has not been adjudicated an incapacitated person under  
922 s. 744.331, or similar laws of any other state. An applicant who  
923 has been granted relief from firearms disabilities pursuant to  
924 s. 790.065(2)(a)4.d. or pursuant to the law of the state in  
925 which the adjudication occurred is deemed not to have been  
926 adjudicated an incapacitated person under this paragraph;

927 (j) Has not been committed to a mental institution under  
928 chapter 394, or similar laws of any other state. An applicant



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who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d. or pursuant to the law of the state in which the commitment occurred is deemed not to have been committed in a mental institution under this paragraph;

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or expunction has occurred;

(l) Has not had adjudication of guilt withheld or imposition of sentence suspended on any misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been expunged;

(m) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat or serious violence; and

(n) Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

(3)(a) The Department of Agriculture and Consumer Services shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged. The Department of Agriculture and Consumer Services shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of

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958 sentence suspended for one or more crimes of violence within the  
959 preceding 3 years. The department must ~~shall~~, upon notification  
960 by a law enforcement agency, a court, a clerk's office, or the  
961 Florida Department of Law Enforcement, temporarily suspend a  
962 license or the processing of an application for a license if the  
963 licensee or applicant is arrested or formally charged with a  
964 crime that would disqualify such person from having a license  
965 under this section, until final disposition of the case. The  
966 department must ~~shall~~ suspend a license or the processing of an  
967 application for a license if the licensee or applicant is issued  
968 an injunction that restrains the licensee or applicant from  
969 committing acts of domestic violence or acts of repeat or  
970 serious violence. The department shall notify the licensee or  
971 applicant suspended under this section of his or her right to a  
972 hearing pursuant to chapter 120. If the criminal case or  
973 injunction results in a nondisqualifying disposition and the  
974 applicant or licensee is otherwise eligible, the suspension must  
975 ~~shall~~ end. The department must issue an order confirming the end  
976 of the suspension within 90 days after the applicant's or  
977 licensee's submission to the department of a copy of the final  
978 resolution of the criminal case or injunction. The copy provided  
979 to the department must be sent through electronic or certified  
980 mail to a location that must ~~shall~~ be specified on the notice of  
981 suspension received by the licensee or applicant. If the  
982 criminal case or injunction results in a disqualifying  
983 disposition, the suspension must remain in effect and the  
984 department must proceed with denial or revocation proceedings  
985 pursuant to chapter 120.

986 (b) This subsection may not be construed to limit,

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restrict, or inhibit the constitutional right to bear arms and carry a concealed weapon in this state. The Legislature finds it a matter of public policy and public safety that it is necessary to ensure that potentially disqualifying information about an applicant or licensee is investigated and processed in a timely manner by the department pursuant to this section. The Legislature intends to clarify that suspensions pursuant to this section are temporary, and the department has the duty to make an eligibility determination and issue a license in the timeframe prescribed in this subsection.

Section 13. Paragraph (c) of subsection (2) of section 790.065, Florida Statutes, is amended to read:

790.065 Sale and delivery of firearms.—

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(c)1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against her or him for an offense that is a felony under either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee under s. 741.30, has had an injunction for protection against repeat or serious violence entered against the potential buyer or transferee under s. 784.046, or has been arrested for a dangerous crime as specified in s. 907.041(5)(a) or for any of the following enumerated offenses:

a. Criminal anarchy under ss. 876.01 and 876.02.

b. Extortion under s. 836.05.

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- c. Explosives violations under s. 552.22(1) and (2).
- d. Controlled substances violations under chapter 893.
- e. Resisting an officer with violence under s. 843.01.
- f. Weapons and firearms violations under this chapter.
- g. Treason under s. 876.32.
- h. Assisting self-murder under s. 782.08.
- i. Sabotage under s. 876.38.
- j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department must ~~shall~~ provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department must ~~shall~~ provide the licensee with a conditional approval number.

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1045       6. If the buyer is so prohibited, the conditional  
1046 nonapproval number must ~~shall~~ become a nonapproval number.

1047       7. The department shall continue its attempts to obtain the  
1048 disposition information and may retain a record of all approval  
1049 numbers granted without sufficient disposition information. If  
1050 the department later obtains disposition information which  
1051 indicates:

1052       a. That the potential buyer is not prohibited from owning a  
1053 firearm, it must ~~shall~~ treat the record of the transaction in  
1054 accordance with this section; or

1055       b. That the potential buyer is prohibited from owning a  
1056 firearm, it must ~~shall~~ immediately revoke the conditional  
1057 approval number and notify local law enforcement.

1058       8. During the time that disposition of the indictment,  
1059 information, or arrest is pending and until the department is  
1060 notified by the potential buyer that there has been a final  
1061 disposition of the indictment, information, or arrest, the  
1062 conditional nonapproval number must ~~shall~~ remain in effect.

1063       Section 14. Paragraph (m) of subsection (2) of section  
1064 934.03, Florida Statutes, is amended to read:

1065       934.03 Interception and disclosure of wire, oral, or  
1066 electronic communications prohibited.—

1067       (2)

1068       (m) It is lawful under this section and ss. 934.04-934.09  
1069 for a person who is protected under an active temporary or final  
1070 injunction for repeat or serious violence, sexual violence, or  
1071 dating violence under s. 784.046; stalking under s. 784.0485;  
1072 domestic violence under s. 741.30; or any other court-imposed  
1073 prohibition of conduct toward the person to intercept and record

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1074 a wire, oral, or electronic communication received in violation  
1075 of such injunction or court order. A recording authorized under  
1076 this paragraph may be provided to a law enforcement agency, an  
1077 attorney, or a court for the purpose of evidencing a violation  
1078 of an injunction or court order if the subject of the injunction  
1079 or court order prohibiting contact has been served the  
1080 injunction or is on notice that the conduct is prohibited. A  
1081 recording authorized under this paragraph may not be otherwise  
1082 disseminated or shared.

1083 Section 15. Paragraph (e) of subsection (2) of section  
1084 943.05, Florida Statutes, is amended to read:

1085 943.05 Criminal Justice Information Program; duties; crime  
1086 reports.—

1087 (2) The program shall:

1088 (e) Establish, implement, and maintain a Domestic and  
1089 Repeat or Serious Violence Injunction Statewide Verification  
1090 System capable of electronically transmitting information to and  
1091 between criminal justice agencies relating to domestic violence  
1092 injunctions, injunctions to prevent child abuse issued under  
1093 chapter 39, and repeat or serious violence injunctions issued by  
1094 the courts throughout the state. Such information must include,  
1095 but is not limited to, information as to the existence and  
1096 status of any such injunction for verification purposes.

1097 Section 16. For the purpose of incorporating the amendment  
1098 made by this act to section 784.046, Florida Statutes, in  
1099 references thereto, paragraphs (a), (c), and (d) of subsection  
1100 (8) of section 28.2221, Florida Statutes, are reenacted to read:

1101 28.2221 Electronic access to official records.—

1102 (8)(a) Each county recorder or clerk of the court must make

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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 right of any affected party to request the addition of information to the searchable database on the county recorder's

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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 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



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document pursuant to such request.

Section 17. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (1) of section 61.1827, Florida Statutes, is reenacted to read:

61.1827 Identifying information concerning applicants for and recipients of child support services.—

(1) Any information that reveals the identity of applicants for or recipients of child support services, including the name, address, and telephone number of such persons, held by a non-Title IV-D county child support enforcement agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The use or disclosure of such information by the non-Title IV-D county child support enforcement agency is limited to the purposes directly connected with:

(a) Any investigation, prosecution, or criminal or civil proceeding connected with the administration of any non-Title IV-D county child support enforcement program;

(b) Mandatory disclosure of identifying and location information as provided in s. 61.13(7) by the non-Title IV-D county child support enforcement agency when providing non-Title IV-D services;

(c) Mandatory disclosure of information as required by ss. 409.2577, 61.181, 61.1825, and 61.1826 and Title IV-D of the Social Security Act; or

(d) Disclosure to an authorized person, as defined in 45 C.F.R. s. 303.15, for purposes of enforcing any state or federal law with respect to the unlawful taking or restraint of a child

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or making or enforcing a parenting plan. As used in this paragraph, the term "authorized person" includes a parent with whom the child does not currently reside, unless a court has entered an order under s. 741.30, s. 741.31, or s. 784.046.

Section 18. 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 19. 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 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,

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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 20. 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 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

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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.

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.

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1277 8. Whether the respondent has used, or has threatened to  
1278 use, against himself or herself or others any weapons.

1279 9. The unlawful or reckless use, display, or brandishing of  
1280 a firearm by the respondent.

1281 10. The recurring use of, or threat to use, physical force  
1282 by the respondent against another person or the respondent  
1283 stalking another person.

1284 11. Whether the respondent, in this state or any other  
1285 state, has been arrested for, convicted of, had adjudication  
1286 withheld on, or pled nolo contendere to a crime involving  
1287 violence or a threat of violence.

1288 12. Corroborated evidence of the abuse of controlled  
1289 substances or alcohol by the respondent.

1290 13. Evidence of recent acquisition of firearms or  
1291 ammunition by the respondent.

1292 14. Any relevant information from family and household  
1293 members concerning the respondent.

1294 15. Witness testimony, taken while the witness is under  
1295 oath, relating to the matter before the court.

1296 Section 21. For the purpose of incorporating the amendment  
1297 made by this act to section 784.046, Florida Statutes, in a  
1298 reference thereto, subsection (6) of section 901.15, Florida  
1299 Statutes, is reenacted to read:

1300 901.15 When arrest by officer without warrant is lawful.—A  
1301 law enforcement officer may arrest a person without a warrant  
1302 when:

1303 (6) There is probable cause to believe that the person has  
1304 committed a criminal act according to s. 790.233 or according to  
1305 s. 741.31, s. 784.047, or s. 825.1036 which violates an

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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 22. 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 23. 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 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 24. For the purpose of incorporating the amendment

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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 25. 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 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 26. For the purpose of incorporating the amendment

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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 27. This act shall take effect July 1, 2026.