

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 485](#)

**TITLE:** Petitions for Injunction for Protection Against Domestic Violence Containing Allegations of Marriage Fraud

**SPONSOR(S):** Daniels and Jacques

**Committee References**

[Civil Justice & Claims](#)

14 Y, 0 N, As CS

### SUMMARY

#### Effect of the Bill:

The bill adds a new checkbox to the petition form for seeking a domestic violence injunction, so that a petitioner can allege that he or she is the victim of “marriage fraud” by a respondent who is not a citizen of the United States. The bill also provides that, if a petitioner alleges such marriage fraud and is granted an injunction, the clerk of court must notify the State Board of Immigration Enforcement, which must then contact the petitioner within 30 days.

#### Fiscal or Economic Impact:

The bill may have a negative fiscal impact on state and local governments, but it is likely the requirements of the bill can be met with existing resources.

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### ANALYSIS

#### **EFFECT OF THE BILL:**

CS/HB 485 adds a new “marriage fraud” checkbox to the statutory petition form used for seeking a [domestic violence injunction](#). Specifically, the bill allows a petitioner to allege on the domestic violence [petition form](#), under a section eliciting “[additional specific facts](#),” that the petitioner is a victim of marriage fraud by a person who is not a citizen of the United States, who by deception induced the petitioner to enter into the marriage for the primary purpose of evading state or federal law or obtaining benefits other than those inherent to marriage. The bill provides additional space for the petitioner to report the harm suffered as a result of the marriage fraud. (Section [1](#)).

The bill also provides that, if the petitioner alleges marriage fraud by a person who is not a citizen of the United States on the petition form and the court issues a domestic violence injunction, the [clerk of court](#) must, within 24 hours of the issuance of the injunction, electronically transmit the following to the [State Board of Immigration Enforcement](#) for investigation:

- A copy of the petition;
- The temporary injunction, if applicable;
- A certified copy of the injunction order. (Section [1](#)).

The bill requires that a representative from the State Board of Immigration Enforcement must initiate contact with the petitioner within 30 days after receiving the certified copy of the injunction order. (Section [1](#)).

The bill provides an effective date of July 1, 2026. (Section [2](#)).

**STORAGE NAME:** h0485.CIV

**DATE:** 2/4/2026

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

The bill may have a fiscal impact on the State Board of Immigration Enforcement, because it requires that the Board make contact with specified petitioners domestic violence cases. However, it is likely this requirement can be fulfilled using existing resources.

**LOCAL GOVERNMENT:**

The bill may have a fiscal impact on the Clerks of Court, because it requires a clerk to electronically transmit documents to the State Board of Immigration Enforcement in certain situations. However, it is likely this requirement can be fulfilled using existing resources.

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

An injunction for protection against domestic violence (“domestic violence injunction”) is a court order that prohibits a respondent from committing acts of domestic violence against a petitioner.<sup>1</sup> It is a remedy that the petitioner can seek against a respondent who is a family member or household member, regardless of whether the petitioner and respondent are married.<sup>2</sup> A petitioner’s right to seek a domestic violence injunction is not affected if the petitioner leaves the residence or household to avoid domestic violence.<sup>3</sup>

*Process for Seeking Domestic Violence Injunction*

A petitioner may file a petition for a domestic violence injunction in circuit court, and no fee may be imposed for filing such a petition.<sup>4</sup> After the petition is filed, one of three events takes place:

- The court determines the petition has no merit and denies the petition, providing written findings;
- The court denies the injunction but schedules a return hearing so that both parties have the opportunity to present their evidence before the court for further evaluation; or
- The court finds that an immediate and present danger of domestic violence exists and grants an ex parte<sup>5</sup> temporary injunction—that is, a temporary injunction that can be entered even without the respondent being present—and sets a final hearing within 15 days.<sup>6</sup>

If the court chooses the third option and grants the ex parte temporary injunction, such temporary injunction may include the following relief:

- Restraining the respondent from committing any acts of domestic violence;
- Awarding to the petitioner the temporary exclusive use and possession of a shared residence or excluding the respondent from the petitioner’s residence; and
- Providing to the petitioner a temporary parenting plan,<sup>7</sup> including a timesharing schedule,<sup>8</sup> which may award the petitioner up to 100 percent of the timesharing.<sup>9</sup>

<sup>1</sup> See [s. 741.30, F.S.](#)

<sup>2</sup> [S. 741.30\(1\)\(e\), F.S.](#)

<sup>3</sup> S. 741.30(1)(d) and (e), F.S.

<sup>4</sup> S. 741.30(1)(a) and (2), F.S.

<sup>5</sup> “Ex parte,” Latin for “from one party,” refers to motions for orders that can be granted without waiting for a response from the other side. These are generally orders that are in place only until further hearings can be held. Legal Information Institute, *Ex Parte*, [https://www.law.cornell.edu/wex/ex\\_parte](https://www.law.cornell.edu/wex/ex_parte) (last visited Jan. 15, 2026).

<sup>6</sup> See [s. 741.30\(5\), F.S.](#)

A temporary injunction is effective only for up to 15 days, and a final hearing must be set for a date prior to the injunction's expiration.<sup>10</sup> It is usually during this time that the respondent is served and becomes aware of the requirement to appear at the final hearing.<sup>11</sup>

When the time comes for the final hearing, the court must make a final determination of whether the petitioner is the victim of domestic violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.<sup>12</sup> In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court must consider all relevant factors alleged in the petition, including, but not limited to, the following eleven specific factors:<sup>13</sup>

- The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.
- Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.
- Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.
- Whether the respondent has intentionally injured or killed a family pet.
- Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.
- Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.
- Whether the respondent has a criminal history involving violence or the threat of violence.
- The existence of a verifiable injunction for protection issued previously or from another jurisdiction.
- Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.
- Whether the respondent has or had engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short, which evidences a continuity of purpose and which reasonably causes the petitioner to believe that the petitioner or his or her minor child or children are in imminent danger of becoming victims of any act of domestic violence.
- Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.<sup>14</sup>

Following the final hearing, if the court determines that the petitioner is either a domestic violence victim or has reasonable cause to believe he or she is in imminent danger of becoming a domestic violence victim, it may issue a permanent domestic violence injunction.<sup>15</sup> However, if, after hearing evidence and testimony from the parties, the court finds no merit in the petitioner's case, the court may deny the injunction.

If the court issues a permanent domestic violence injunction, relief may include:

- Restraining the respondent from committing any acts of domestic violence;
- Awarding to the petitioner the exclusive use and possession of a shared residence or excluding the respondent from the petitioner's residence;
- Providing the petitioner with 100 percent of the timesharing in a parenting plan;

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<sup>7</sup> A "parenting plan" governs the relationship between parents relating to decisions that must be made regarding the minor child and must contain a timesharing schedule for the parents and child. [S. 61.046\(14\), F.S.](#)

<sup>8</sup> "Timesharing schedule" means a timetable that must be included in a parenting plan that specifies the time, including overnights and holidays, which a minor child will spend with each parent. [S. 61.046\(23\), F.S.](#)

<sup>9</sup> [S. 741.30\(5\)\(a\), F.S.](#)

<sup>10</sup> [S. 741.30\(5\)\(a\), F.S.](#)

<sup>11</sup> See [S. 741.30\(5\)\(c\), F.S.](#)

<sup>12</sup> [S. 741.30\(6\)\(a\), F.S.](#)

<sup>13</sup> [S. 741.30\(6\)\(b\), F.S.](#)

<sup>14</sup> [S. 741.30\(6\)\(b\), F.S.](#)

<sup>15</sup> [S. 741.30\(6\)\(a\), F.S.](#)

- Establishing temporary support for a minor child or for the petitioner;
- Ordering the respondent to participate in treatment, intervention, or counseling services;
- Referring a petitioner to a certified domestic violence center; and
- Ordering relief it deems necessary to protect a domestic violence victim.<sup>16</sup>

The terms of a permanent domestic violence injunction remain in effect until the defined period of the injunction expires, or the injunction is modified or dissolved, and either party may move at any time for modification or dissolution.<sup>17</sup>

#### *[Clerk's Responsibility to Forward Injunction to Law Enforcement](#)*

Within 24 hours of a court issuing a domestic violence injunction, the clerk of court must electronically transmit a copy of the following documents to the sheriff or a law enforcement agency of the county where the respondent resides:

- A copy of the petition.
- The financial affidavit.
- The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) affidavit, if applicable.
- The notice of hearing.
- The temporary injunction, if applicable.

#### *Service on Respondent*

The sheriff or law enforcement agency that receives the injunction from the clerk of court must serve the injunction upon the respondent "as soon thereafter as possible on any day of the week and at any time of the day or night."<sup>18</sup>

#### *[Statutory Petition Form for Petition for Injunction for Domestic Violence](#)*

Florida law specifies a boilerplate form for a petition for a domestic violence injunction and requires the form used by a petitioner to be in "substantially" the form prescribed by statute.<sup>19</sup> The statutory form elicits the following information from a petitioner who seeks a domestic violence injunction, and requires such information to be sworn under penalty of perjury:

- The petitioner's and respondent's names, residence, and other personal information.
- The relationship between the petitioner and respondent.
- Any current litigation between the petitioner and respondent.
- Whether the petitioner is a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.
- The incidents of violence, threats of violence, or abuse perpetrated by the respondent.
- Whether a minor child or minor children reside with the petitioner.
- Specific relief sought by the petitioner.

Additionally, the statutory petition form reserves a section where the petitioner can allege "[additional specified facts](#)," with checkboxes allowing the petitioner to specifically allege that:

- A minor child or minor children reside with the petitioner.
- The petitioner needs the exclusive use of the shared dwelling.
- The petitioner is unable to obtain safe alternative housing.

<sup>16</sup> *Id.*

<sup>17</sup> [S. 741.30\(6\)\(c\), F.S.](#)

<sup>18</sup> [S. 741.30\(8\)\(a\), F.S.](#)

<sup>19</sup> [S. 741.30\(3\)\(b\), F.S.](#)

- The petitioner genuinely fears that the respondent imminently will abuse, remove, or hide the minor child or children from the petitioner.<sup>20</sup>

### Florida State Board of Immigration Enforcement

In 2025, the Legislature created the Florida State Board of Immigration Enforcement (“Board”) within the Department of Law Enforcement (“FDLE”), composed of the Governor and Cabinet as head of the board.<sup>21</sup> The board is a separate budget entity from FDLE and not subject to control, supervision, or direction of FDLE.<sup>22</sup>

The Board is the chief immigration enforcement officer of the state, and must:

- Serve as a resource for the United States Immigration and Customs Enforcement (ICE).
- Coordinate and cooperate with the federal government in the enforcement of federal immigration law.
- Coordinate with and provide assistance to law enforcement agencies and monitor local government compliance with federal immigration enforcement.
- Administer the Local Law Enforcement Immigration Grant Program.
- Collect specified data and file specified reports.
- Actively seek Congressional action to amend the National Crime Prevention and Privacy Compact to require states that are a party to the compact to share information relating to a person’s immigration status for criminal justice purposes and to require that such information be fully shared with all federal agencies having authority over immigration enforcement.<sup>23</sup>

FDLE is required to provide administrative support to the Board.<sup>24</sup>

### **BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Civil Justice &amp; Claims Subcommittee</a>	14 Y, 0 N, As CS	2/3/2026	Jones	Mathews

THE CHANGES ADOPTED BY THE COMMITTEE: The PCS differed from the underlying bill in that it:

- Added a new checkbox to existing domestic violence petition forms so the petitioner may allege that he or she is the victim of marriage fraud;
- Clarified that marriage fraud occurs when the petitioner is induced to enter into a marriage by a person who is not a U.S. citizen for the primary purpose of evading state or federal law or obtaining benefits other than those inherent to marriage;
- Removed references to an “alien fiancé” on the form for a petition for injunction against domestic violence;
- Removed, as a basis for obtaining an injunction for protection against domestic violence, allegations of marriage fraud, voyeurism, digital voyeurism, or invasion of privacy; and
- Removed references to the allegation of abuse, coercion, manipulation, or reputational, emotional, or financial harm from on the form for a petition for injunction against domestic violence as it relates to marriage fraud.

<sup>20</sup> *Id.*

<sup>21</sup> Ch. 2025-1, L.O.F.; *see s. 908.1031, F.S.*

<sup>22</sup> [S. 908.1031\(1\), F.S.](#)

<sup>23</sup> [S. 908.1031\(3\), F.S.](#)

<sup>24</sup> [S. 908.1031\(5\), F.S.](#)

**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**

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