

1 A bill to be entitled
2 An act relating to injunctions for protection;
3 amending s. 784.046, F.S.; defining the terms "serious
4 violence by a known person" and "serious bodily
5 injury"; creating a cause of action for an injunction
6 for protection in cases of serious violence by a known
7 person; specifying the persons who have standing to
8 file such injunction for protection in circuit court
9 if specified conditions are met; prohibiting the clerk
10 of the court from assessing a fee for the filing of
11 such injunction for protection; requiring the clerk of
12 the court to provide the petitioner with a certified
13 copy of such injunction for protection; providing
14 requirements for such petition for injunction for
15 protection; providing requirements for a temporary or
16 final judgment on such injunction for protection;
17 requiring the clerk of the court to electronically
18 transmit copies of specified documents within a
19 certain timeframe after a court issues such injunction
20 for protection; requiring law enforcement officers to
21 accept a certified copy of such injunction for
22 protection from the petitioner and immediately serve
23 it upon a respondent; providing requirements for
24 inclusion of such injunction for protection in a
25 specified statewide communication system; requiring

26 that a respondent be held in custody if he or she is
27 arrested for committing an act of serious violence by
28 a known person in violation of an injunction for
29 protection until being brought before the court;
30 conforming provisions to changes made by the act;
31 making technical changes; amending ss. 44.407, 61.13,
32 61.1825, 394.4597, 394.4598, 741.313, 784.047,
33 784.048, and 934.03, F.S.; conforming provisions to
34 changes made by the act; reenacting ss. 28.2221
35 (8)(a), (c), and (d), 28.35(2)(i), 57.105(8),
36 61.1827(1), 741.311(2), 741.315(2), 790.401(2)(e) and
37 (3)(c), 901.15(6), 901.41(5), 921.141(6)(p),
38 921.1425(7)(j), 921.1427(7)(i), and 934.425(3), F.S.;
39 relating to electronic access to official records,
40 Florida Clerks of Court Operations Corporation, the
41 awarding of attorney fees, identifying information
42 concerning applicants for and recipients of child
43 support services, Hope Card Program for persons issued
44 orders of protection, recognition of foreign
45 protection orders, risk protection orders, when arrest
46 by a law enforcement officer without a warrant is
47 lawful, prearrest diversion programs, aggravating
48 factors relating to a sentence of death or life
49 imprisonment for capital felonies, aggravating factors
50 relating to a sentence of death or life imprisonment

51 for capital sexual battery, aggravating factors
52 relating to a sentence of death or life imprisonment
53 for capital human trafficking of vulnerable persons
54 for sexual exploitation, and installation or use of
55 tracking devices or applications, respectively, to
56 incorporate the amendment made to s. 784.046, F.S., in
57 references thereto; providing an effective date.
58

59 Be It Enacted by the Legislature of the State of Florida:
60

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

63 784.046 Action by victim of repeat violence, sexual
64 violence, ~~or~~ dating violence, or serious violence by a known
65 person for protective injunction; dating violence
66 investigations, notice to victims, and reporting; pretrial
67 release violations; public records exemption.—

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

69 (e) ~~(a)~~ "Violence" means any assault, aggravated assault,
70 battery, aggravated battery, sexual assault, sexual battery,
71 stalking, aggravated stalking, kidnapping, or false
72 imprisonment, or any criminal offense resulting in physical
73 injury or death, by a person against any other person.

74 (b) "Repeat violence" means two incidents of violence or
75 stalking committed by the respondent, one of which must have

76 | been within 6 months of the filing of the petition, which are
77 | directed against the petitioner or the petitioner's immediate
78 | family member.

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

80 | 1. Sexual battery, as defined in chapter 794;

81 | 2. A lewd or lascivious act, as defined in chapter 800,
82 | committed upon or in the presence of a person younger than 16
83 | years of age;

84 | 3. Luring or enticing a child, as described in chapter
85 | 787;

86 | 4. Sexual performance by a child, as described in chapter
87 | 827; or

88 | 5. Any other forcible felony wherein a sexual act is
89 | committed or attempted,

90 |
91 | regardless of whether criminal charges based on the incident
92 | were filed, reduced, or dismissed by the state attorney.

93 | (a)~~(d)~~ "Dating violence" means violence between
94 | individuals who have or have had a continuing and significant
95 | relationship of a romantic or intimate nature. The existence of
96 | such a relationship must ~~shall~~ be determined based on ~~the~~
97 | consideration of the following factors:

98 | 1. A dating relationship must have existed within the past
99 | 6 months;

100 | 2. The nature of the relationship must have been

101 characterized by the expectation of affection or sexual
102 involvement between the parties; and

103 3. The frequency and type of interaction between the
104 persons involved in the relationship must have included that the
105 persons have been involved over time and on a continuous basis
106 during the course of the relationship.

107
108 The term does not include violence in a casual acquaintanceship
109 or violence between individuals who only have engaged in
110 ordinary fraternization in a business or social context.

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

118 (2) There is created a cause of action for an injunction
119 for protection in cases of repeat violence, there is created a
120 separate cause of action for an injunction for protection in
121 cases of dating violence, ~~and~~ there is created a separate cause
122 of action for an injunction for protection in cases of sexual
123 violence, and there is created a separate cause of action for an
124 injunction for protection in cases of serious violence by a
125 known person.

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

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

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

148 1. The person has reported the sexual violence to a law
149 enforcement agency and is cooperating in any criminal proceeding
150 against the respondent, regardless of whether criminal charges

151 based on the sexual violence have been filed, reduced, or
152 dismissed by the state attorney; or

153 2. The respondent who committed the sexual violence
154 against the victim or minor child was sentenced to a term of
155 imprisonment in state prison for the sexual violence and the
156 respondent's term of imprisonment has expired or is due to
157 expire within 90 days following the date the petition is filed.

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

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

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

174 (3) (a) The clerk of the court shall provide a copy of this
175 section, simplified forms, and clerical assistance for the

176 preparation and filing of such a petition by any person who is
177 not represented by counsel.

178 (b) Notwithstanding any other law, the clerk of the court
179 may not assess a fee for filing a petition for protection
180 against repeat violence, sexual violence, ~~or~~ dating violence, or
181 serious violence by a known person. However, subject to
182 legislative appropriation, the clerk of the court may, each
183 quarter, submit to the Justice Administrative Commission a
184 certified request for reimbursement for petitions for protection
185 issued by the court under this section at the rate of \$40 per
186 petition. The request for reimbursement must be submitted in the
187 form and manner prescribed by the Justice Administrative
188 Commission. From this reimbursement, the clerk shall pay the law
189 enforcement agency serving the injunction the fee requested by
190 the law enforcement agency; however, this fee may not exceed
191 \$20.

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

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

198 (4) (a) The verified petition must ~~shall~~ allege the
199 incidents of repeat violence, sexual violence, ~~or~~ dating
200 violence, or serious violence by a known person and must ~~shall~~

include the specific facts and circumstances that form the basis upon which relief is sought. With respect to a minor child who is living at home, the parent or legal guardian seeking the protective injunction on behalf of the minor child must:

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

2. Have reasonable cause to believe that the minor child is a victim of repeat violence, sexual violence, ~~or~~ dating violence, or serious violence by a known person to form the basis upon which relief is sought, if the party against whom the protective injunction is sought is a person other than a parent, stepparent, or legal guardian of the minor child.

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

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

The undersigned petitioner ...(name)... declares under

penalties of perjury that the following statements are true:

1. Petitioner resides at ...(address)... (A petitioner for an injunction for protection against sexual violence may furnish an address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of his or her current residence to be confidential pursuant to s. 119.071(2)(j), Florida Statutes.)

2. Respondent resides at ...(address)....

3.a. Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has: ...(enumerate incidents of violence)...

.....

b. Petitioner has suffered sexual violence as demonstrated by the fact that the respondent has: ...(enumerate incident of violence and include incident report number from law enforcement agency or attach notice of inmate release)...

.....

c. Petitioner is a victim of dating violence and has

reasonable cause to believe that he or she is in imminent danger of becoming the victim of another act of dating violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of dating violence, as demonstrated by the fact that the respondent has: ...(list the specific incident or incidents of violence and describe the length of time of the relationship, whether it has been in existence during the last 6 months, the nature of the relationship of a romantic or intimate nature, the frequency and type of interaction, and any other facts that characterize the relationship)...

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

4. Petitioner genuinely fears repeat violence by the respondent.

5. Petitioner seeks: an immediate injunction against the respondent, enjoining him or her from committing any further acts of violence; an injunction enjoining the respondent from committing any further acts of violence; and an injunction providing any terms the court deems necessary for the protection

HB 547

2026

of the petitioner and the petitioner's immediate family,
including any injunctions or directives to law enforcement
agencies.

(c) Every petition for an injunction against sexual
violence, dating violence, ~~or~~ repeat violence, or serious
violence by a known person must contain, directly above the
signature line, a statement in all capital letters and bold type
not smaller than the surrounding text, as follows:

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ
THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
ARE TRUE. I UNDERSTAND THAT THE STATEMENTS MADE IN
THIS PETITION ARE BEING MADE UNDER PENALTIES OF
PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525,
FLORIDA STATUTES.

...(initials)...

(5) Upon the filing of the petition, the court shall set a
hearing to be held at the earliest possible time. The respondent
must ~~shall~~ be personally served with a copy of the petition,
notice of hearing, and temporary injunction, if any, before
~~prior to~~ the hearing.

(6) (a) When it appears to the court that an immediate and

301 present danger of violence exists, the court may grant a
302 temporary injunction that ~~which~~ may be granted in an ex parte
303 hearing, pending a full hearing, and may grant such relief as
304 the court deems proper, including an injunction enjoining the
305 respondent from committing any acts of violence.

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

311 (c) Any such ex parte temporary injunction is ~~shall be~~
312 effective for a fixed period not to exceed 15 days. However, an
313 ex parte temporary injunction granted under subparagraph
314 (2)(c)2. is effective for 15 days following the date the
315 respondent is released from incarceration. A full hearing, as
316 provided by this section, must ~~shall~~ be set for a date no later
317 than the date when the temporary injunction ceases to be
318 effective. The court may grant a continuance of the ex parte
319 injunction and the full hearing before or during a hearing, for
320 good cause shown by any party.

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

323 (a) Enjoining the respondent from committing any acts of
324 violence.

325 (b) Ordering such other relief as the court deems

326 necessary for the protection of the petitioner, including
327 injunctions or directives to law enforcement agencies, as
328 provided in this section.

329 (c) The terms of the injunction shall remain in full force
330 and effect until modified or dissolved. Either party may move at
331 any time to modify or dissolve the injunction. Such relief may
332 be granted in addition to other civil or criminal remedies.

333 (d) A temporary or final judgment on injunction for
334 protection against repeat violence, sexual violence, ~~or~~ dating
335 violence, or serious violence by a known person entered pursuant
336 to this section must ~~shall~~, on its face, indicate that:

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

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

341 3. The court had jurisdiction over the parties and matter
342 under the laws of Florida and that reasonable notice and
343 opportunity to be heard was given to the person against whom the
344 order is sought sufficient to protect that person's right to due
345 process.

346 4. The date that the respondent was served with the
347 temporary or final order, if obtainable.

348 (8)(a)1. Within 24 hours after the court issues an
349 injunction for protection against repeat violence, sexual
350 violence, ~~or~~ dating violence, or serious violence by a known

351 person, the clerk of the court shall electronically transmit a
352 copy of the petition, notice of hearing, and temporary
353 injunction, if any, to the sheriff or a law enforcement agency
354 of the county where the respondent resides or can be found, who
355 shall serve it upon the respondent as soon thereafter as
356 possible on any day of the week and at any time of the day or
357 night. An electronic copy of an injunction must be certified by
358 the clerk of the court, and the electronic copy must be served
359 in the same manner as a certified copy. Upon receiving an
360 electronic copy of the injunction, the sheriff must verify
361 receipt with the sender before attempting to serve it upon the
362 respondent. In addition, if the sheriff is in possession of an
363 injunction for protection that has been certified by the clerk
364 of the court, the sheriff may electronically transmit a copy of
365 that injunction to a law enforcement officer who shall serve it
366 in the same manner as a certified copy. The clerk of the court
367 is responsible for furnishing to the sheriff such information on
368 the respondent's physical description and location as is
369 required by the department to comply with the verification
370 procedures set forth in this section. Notwithstanding any other
371 law to the contrary, the chief judge of each circuit, in
372 consultation with the appropriate sheriff, may authorize a law
373 enforcement agency within the chief judge's jurisdiction to
374 effect this type of service and to receive a portion of the
375 service fee. A person may not serve or execute an injunction

376 issued under this section unless the person is a law enforcement
377 officer as defined in chapter 943.

378 2. When an injunction is issued, if the petitioner
379 requests the assistance of a law enforcement agency, the court
380 may order that an officer from the appropriate law enforcement
381 agency accompany the petitioner and assist in the execution or
382 service of the injunction. A law enforcement officer must accept
383 a copy of an injunction for protection against repeat violence,
384 sexual violence, ~~or~~ dating violence, or serious violence by a
385 known person, certified by the clerk of the court, from the
386 petitioner and immediately serve it upon a respondent who has
387 been located but not yet served.

388 (b) A Domestic Violence, Dating Violence, Sexual Violence,
389 ~~and~~ Repeat Violence, and Serious Violence by a Known Person
390 Injunction Statewide Verification System is created within the
391 Department of Law Enforcement. The department shall establish,
392 implement, and maintain a statewide communication system capable
393 of electronically transmitting information to and between
394 criminal justice agencies relating to domestic violence
395 injunctions, dating violence injunctions, sexual violence
396 injunctions, ~~and~~ repeat violence injunctions, and serious
397 violence by a known person injunctions issued by the courts
398 throughout the state. Such information must include, but is not
399 limited to, information as to the existence and status of any
400 injunction for verification purposes.

401 (c)1. Within 24 hours after the court issues an injunction
402 for protection against repeat violence, sexual violence, ~~or~~
403 dating violence, or serious violence by a known person or
404 changes or vacates an injunction for protection against repeat
405 violence, sexual violence, ~~or~~ dating violence, or serious
406 violence by a known person, the clerk of the court must
407 electronically transmit a copy of the injunction to the sheriff
408 with jurisdiction over the residence of the petitioner.

409 2. Within 24 hours after service of process of an
410 injunction for protection against repeat violence, sexual
411 violence, ~~or~~ dating violence, or serious violence by a known
412 person upon a respondent, the law enforcement officer must
413 electronically transmit the written proof of service of process
414 to the sheriff with jurisdiction over the residence of the
415 petitioner.

416 3. Within 24 hours after the sheriff receives a certified
417 copy of the injunction for protection against repeat violence,
418 sexual violence, ~~or~~ dating violence, or serious violence by a
419 known person, the sheriff must make information relating to the
420 injunction available to other law enforcement agencies by
421 electronically transmitting such information to the department.

422 4. Within 24 hours after the sheriff or other law
423 enforcement officer has made service upon the respondent and the
424 sheriff has been so notified, the sheriff must make information
425 relating to the service available to other law enforcement

426 agencies by electronically transmitting such information to the
427 department.

428 5. Subject to available funding, the Florida Association
429 of Court Clerks and Comptrollers shall develop an automated
430 process by which a petitioner may request notification of
431 service of the injunction for protection against repeat
432 violence, sexual violence, ~~or~~ dating violence, or serious
433 violence by a known person and other court actions related to
434 the injunction for protection. The automated notice must be made
435 within 12 hours after the sheriff or other law enforcement
436 officer serves the injunction upon the respondent. The
437 notification must include, at a minimum, the date, time, and
438 location where the injunction for protection against repeat
439 violence, sexual violence, ~~or~~ dating violence, or serious
440 violence by a known person was served. The Florida Association
441 of Court Clerks and Comptrollers may apply for any available
442 grants to fund the development of the automated process.

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

451 of the court, notify the department of such action of the court.

452 (d) The petitioner may request a Hope Card under s.
453 741.311 after the court has issued a final order of protection.

454 (9)(a) The court shall enforce, through a civil or
455 criminal contempt proceeding, a violation of an injunction for
456 protection. The court may enforce the respondent's compliance
457 with the injunction by imposing a monetary assessment. The clerk
458 of the court shall collect and receive such assessments. On a
459 monthly basis, the clerk shall transfer the moneys collected
460 pursuant to this paragraph to the State Treasury for deposit in
461 the Crimes Compensation Trust Fund established in s. 960.21.

462 (b) If the respondent is arrested by a law enforcement
463 officer under s. 901.15(6) for committing an act of repeat
464 violence, sexual violence, ~~or~~ dating violence, or serious
465 violence by a known person in violation of an injunction for
466 protection, the respondent must ~~shall~~ be held in custody until
467 brought before the court as expeditiously as possible for the
468 purpose of enforcing the injunction and for admittance to bail
469 in accordance with chapter 903 and the applicable rules of
470 criminal procedure, pending a hearing.

471 (10) The petitioner or the respondent may move the court
472 to modify or dissolve an injunction at any time.

473 (11) Any law enforcement officer who investigates an
474 alleged incident of dating violence shall assist the victim to
475 obtain medical treatment if such is required as a result of the

alleged incident to which the officer responds. Any law enforcement officer who investigates an alleged incident of dating violence shall advise the victim of such violence that there is a domestic violence center from which the victim may receive services. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the Department of Law Enforcement. As necessary, the Department of Law Enforcement shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of this section, using simple English as well as Spanish, and shall distribute the notice as a model form to be used by all law enforcement agencies throughout this ~~the~~ state. The notice must ~~shall~~ include:

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

(b) A copy of the following statement:

"IF YOU ARE THE VICTIM OF DATING VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from dating violence which may include, but need not be limited to, provisions that restrain the abuser from further

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

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

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

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

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

Whenever possible, the law enforcement officer shall obtain a written statement from the victim and witnesses concerning the alleged dating violence. The officer shall submit the report to

the supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made. The law enforcement agency shall, without charge, send a copy of the initial police report, as well as any subsequent, supplemental, or related report, which excludes victim or witness statements or other materials that are part of an active criminal investigation and are exempt from disclosure under chapter 119, to the nearest locally certified domestic violence center within 24 hours after the agency's receipt of the report. The report furnished to the domestic violence center must include a narrative description of the dating violence incident.

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

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

(b) If a law enforcement officer has probable cause to

551 believe that two or more persons have committed a misdemeanor or
552 felony, or if two or more persons make complaints to the
553 officer, the officer must ~~shall~~ try to determine who was the
554 primary aggressor. Arrest is the preferred response only with
555 respect to the primary aggressor and not the preferred response
556 with respect to a person who acts in a reasonable manner to
557 protect or defend himself or herself or another family or
558 household member from dating violence.

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

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

570 **Section 2. Paragraph (a) of subsection (5) of section**
571 **44.407, Florida Statutes, is amended to read:**

572 44.407 Elder-focused dispute resolution process.—

573 (5) QUALIFICATIONS FOR ELDERCARE COORDINATORS.—

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

- 576 1. Meet one of the following professional requirements:
- 577 a. Are licensed as a mental health professional under
- 578 chapter 491 and hold at least a master's degree in the
- 579 professional field of practice;
- 580 b. Are licensed as a psychologist under chapter 490;
- 581 c. Are licensed as a physician under chapter 458 or
- 582 chapter 459;
- 583 d. Are licensed as a nurse under chapter 464 and hold at
- 584 least a master's degree;
- 585 e. Are certified by the Florida Supreme Court as a family
- 586 mediator and hold at least a master's degree;
- 587 f. Are a member in good standing of The Florida Bar; or
- 588 g. Are a professional guardian as defined in s.
- 589 744.102(17) and hold at least a master's degree.
- 590 2. Have completed all of the following:
- 591 a. Three years of postlicensure or postcertification
- 592 practice;
- 593 b. A family mediation training program certified by the
- 594 Florida Supreme Court; and
- 595 c. An eldercaring coordinator training program certified
- 596 by the Florida Supreme Court. The training must total at least
- 597 44 hours and must include advanced tactics for dispute
- 598 resolution of issues related to aging, illness, incapacity, or
- 599 other vulnerabilities associated with elders, as well as elder,
- 600 guardianship, and incapacity law and procedures and less

601 restrictive alternatives to guardianship; phases of eldercaring
602 coordination and the role and functions of an eldercaring
603 coordinator; the elder's role within eldercaring coordination;
604 family dynamics related to eldercaring coordination; eldercaring
605 coordination skills and techniques; multicultural competence and
606 its use in eldercaring coordination; at least 6 hours of the
607 implications of elder abuse, neglect, and exploitation and other
608 safety issues pertinent to the training; at least 4 hours of
609 ethical considerations pertaining to the training; use of
610 technology within eldercaring coordination; and court-specific
611 eldercaring coordination procedures. Pending certification of a
612 training program by the Florida Supreme Court, the eldercaring
613 coordinator must document completion of training that satisfies
614 the hours and the elements prescribed in this sub-subparagraph.

615 3. Have successfully passed a Level 2 background screening
616 as provided in s. 435.04(2) and (3) or are exempt from
617 disqualification under s. 435.07. The prospective eldercaring
618 coordinator must submit a full set of fingerprints to the court
619 or to a vendor, entity, or agency authorized by s. 943.053(13).
620 The court, vendor, entity, or agency shall forward the
621 fingerprints to the Department of Law Enforcement for state
622 processing, and the Department of Law Enforcement shall forward
623 the fingerprints to the Federal Bureau of Investigation for
624 national processing. The prospective eldercaring coordinator
625 shall pay the fees for state and federal fingerprint processing.

626 The state cost for fingerprint processing shall be as provided
627 in s. 943.053(3)(e) for records provided to persons or entities
628 other than those specified as exceptions therein.

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

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

636 **Section 3. Paragraph (c) of subsection (2) of section**
637 **61.13, Florida Statutes, is amended to read**

638 61.13 Support of children; parenting and time-sharing;
639 powers of court.—

640 (2)

641 (c) The court shall determine all matters relating to
642 parenting and time-sharing of each minor child of the parties in
643 accordance with the best interests of the child and in
644 accordance with the Uniform Child Custody Jurisdiction and
645 Enforcement Act, except that modification of a parenting plan
646 and time-sharing schedule requires a showing of a substantial
647 and material change of circumstances.

648 1. It is the public policy of this state that each minor
649 child has frequent and continuing contact with both parents
650 after the parents separate or the marriage of the parties is

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

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

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

of action has been brought or is currently pending in the court;

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

d. Any other relevant factors.

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

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

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

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

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

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

If the presumption is not rebutted after the convicted parent is advised by the court that the presumption exists, shared parental responsibility, including time-sharing with the child,

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

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

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

6. There is a rebuttable presumption against granting

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

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

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

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

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

Section 4. Paragraph (a) of subsection (3) of section

751 **61.1825, Florida Statutes, is amended to read:**

752 61.1825 State Case Registry.—

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

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

760 2. A temporary or final injunction for protection against
761 domestic violence has been granted pursuant to s. 741.30(6), an
762 injunction for protection against domestic violence has been
763 issued by a court of a foreign state pursuant to s. 741.315, or
764 a temporary or final injunction for protection against repeat
765 violence has been granted pursuant to s. 784.046; or

766 3. The department has received information on a Title IV-D
767 case from the Domestic Violence, Dating Violence, Sexual
768 Violence, ~~and~~ Repeat Violence, and Serious Violence by a Known
769 Person Injunction Statewide Verification System, established
770 pursuant to s. 784.046(8)(b), that a court has granted a party a
771 domestic violence or repeat violence injunction.

772 **Section 5. Paragraph (e) of subsection (2) of section**
773 **394.4597, Florida Statutes, is amended to read:**

774 394.4597 Persons to be notified; patient's
775 representative.—

(2) INVOLUNTARY PATIENTS.—

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

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

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

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

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

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

6. A creditor of the patient.

7. A person subject to an injunction for protection against domestic violence under s. 741.30, whether the order of injunction is temporary or final, and for which the patient was the petitioner.

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

Section 6. Paragraph (h) of subsection (2) of section

801 **394.4598, Florida Statutes, is amended to read:**

802 394.4598 Guardian advocate.—

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

805 (h) A person subject to an injunction for protection
806 against repeat violence, stalking, sexual violence, ~~or~~ dating
807 violence, or serious violence by a known person under s.
808 784.046, whether the order of injunction is temporary or final,
809 and for which the patient was the petitioner.

810 **Section 7. Paragraph (b) of subsection (2) of section**
811 **741.313, Florida Statutes, is amended to read:**

812 741.313 Unlawful action against employees seeking
813 protection.—

814 (2)

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

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

821 2. Obtain medical care or mental health counseling, or
822 both, for the employee or a family or household member to
823 address physical or psychological injuries resulting from the
824 act of domestic violence or sexual violence;

825 3. Obtain services from a victim services organization,

including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;

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

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

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

784.047 Penalties for violating protective injunction against violators.—

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

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

(b) Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

851 (c) Committing an act of repeat violence, sexual violence,
852 ~~or~~ dating violence, or serious violence by a known person
853 against the petitioner;

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

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

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

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

866 (h) Refusing to surrender firearms or ammunition if
867 ordered to do so by the court,
868

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

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

874 784.048 Stalking; definitions; penalties.—

875 (4) A person who, after an injunction for protection

876 against repeat violence, sexual violence, ~~or~~ dating violence, or
877 serious violence by a known person pursuant to s. 784.046, or an
878 injunction for protection against domestic violence pursuant to
879 s. 741.30, or after any other court-imposed prohibition of
880 conduct toward the subject person or that person's property,
881 knowingly, willfully, maliciously, and repeatedly follows,
882 harasses, or cyberstalks another person commits the offense of
883 aggravated stalking, a felony of the third degree, punishable as
884 provided in s. 775.082, s. 775.083, or s. 775.084.

885 **Section 10. Paragraph (m) of subsection (2) of section**
886 **934.03, Florida Statutes, is amended to read:**

887 934.03 Interception and disclosure of wire, oral, or
888 electronic communications prohibited.—

889 (2)

890 (m) It is lawful under this section and ss. 934.04-934.09
891 for a person who is protected under an active temporary or final
892 injunction for repeat violence, sexual violence, ~~or~~ dating
893 violence, or serious violence by a known person under s.
894 784.046; stalking under s. 784.0485; domestic violence under s.
895 741.30; or any other court-imposed prohibition of conduct toward
896 the person to intercept and record a wire, oral, or electronic
897 communication received in violation of such injunction or court
898 order. A recording authorized under this paragraph may be
899 provided to a law enforcement agency, an attorney, or a court
900 for the purpose of evidencing a violation of an injunction or

901 court order if the subject of the injunction or court order
902 prohibiting contact has been served the injunction or is on
903 notice that the conduct is prohibited. A recording authorized
904 under this paragraph may not be otherwise disseminated or
905 shared.

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

910 28.2221 Electronic access to official records.—

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

925 (c) Any information specified in this subsection not made

926 available by the county clerk of the court as provided in this
927 subsection before July 1, 2024, must be made publicly available
928 on the county recorder's or clerk of the court's official
929 website if the affected party identifies the information and
930 requests that such information be added for general public
931 display. Such request must be in writing and delivered by mail,
932 facsimile, or electronic transmission or in person to the county
933 recorder or clerk of the court. The request must specify the
934 case number assigned to the final judgment for an injunction for
935 the protection of a minor under s. 741.30, s. 784.046, or s.
936 784.0485. A fee may not be charged for the addition of
937 information pursuant to such request.

938 (d) No later than 30 days after July 1, 2024, notice of
939 the right of any affected party to request the addition of
940 information to the searchable database on the county recorder's
941 or clerk of the court's official website pursuant to this
942 subsection must be conspicuously and clearly displayed by the
943 county recorder or clerk of the court on the county recorder's
944 or clerk of the court's official website on which images or
945 copies of the county's public records are placed and in the
946 office of each county recorder or clerk of the court. Such
947 notice must contain appropriate instructions for making the
948 addition of information request in person, by mail, by
949 facsimile, or by electronic transmission. The notice must state,
950 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 document pursuant to such request.

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

28.35 Florida Clerks of Court Operations Corporation.—

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

978 (i) Annually preparing a budget request which,
979 notwithstanding the provisions of chapter 216 and in accordance
980 with s. 216.351, provides the anticipated amount necessary for
981 reimbursement pursuant to ss. 40.29(6), 741.30(2)(a),
982 784.046(3)(b), 784.0485(2)(a), and 825.1035(4)(i). The request
983 for the anticipated reimbursement amount must be submitted in
984 the form and manner prescribed by the Justice Administrative
985 Commission. Such request is not subject to change by the Justice
986 Administrative Commission, except for technical changes
987 necessary to conform to the legislative budget instructions, and
988 must be submitted to the Governor for transmittal to the
989 Legislature.

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

994 57.105 Attorney's fee; sanctions for raising unsupported
995 claims or defenses; exceptions; service of motions; damages for
996 delay of litigation.—

997 (8) Attorney fees may not be awarded under this section in
998 proceedings for an injunction for protection pursuant to s.
999 741.30, s. 784.046, or s. 784.0485, unless the court finds by
1000 clear and convincing evidence that the petitioner knowingly made

1001 a false statement or allegation in the petition or that the
1002 respondent knowingly made a false statement or allegation in an
1003 asserted defense, with regard to a material matter as defined in
1004 s. 837.011(3).

1005 **Section 14. For the purpose of incorporating the amendment**
1006 **made by this act to section 784.046, Florida Statutes, in a**
1007 **reference thereto, subsection (1) of section 61.1827, Florida**
1008 **Statutes, is reenacted to read:**

1009 61.1827 Identifying information concerning applicants for
1010 and recipients of child support services.—

1011 (1) Any information that reveals the identity of
1012 applicants for or recipients of child support services,
1013 including the name, address, and telephone number of such
1014 persons, held by a non-Title IV-D county child support
1015 enforcement agency is confidential and exempt from s. 119.07(1)
1016 and s. 24(a), Art. I of the State Constitution. The use or
1017 disclosure of such information by the non-Title IV-D county
1018 child support enforcement agency is limited to the purposes
1019 directly connected with:

1020 (a) Any investigation, prosecution, or criminal or civil
1021 proceeding connected with the administration of any non-Title
1022 IV-D county child support enforcement program;

1023 (b) Mandatory disclosure of identifying and location
1024 information as provided in s. 61.13(7) by the non-Title IV-D
1025 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 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 15. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (2) of section 741.311, 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.

1051 **Section 16. For the purpose of incorporating the amendment**
1052 **made by this act to section 784.046, Florida Statutes, in a**
1053 **reference thereto, subsection (2) of section 741.315, Florida**
1054 **Statutes, is reenacted to read:**

1055 741.315 Recognition of foreign protection orders.—

1056 (2) Pursuant to 18 U.S.C. s. 2265, an injunction for
1057 protection against domestic violence issued by a court of a
1058 foreign state must be accorded full faith and credit by the
1059 courts of this state and enforced by a law enforcement agency as
1060 if it were the order of a Florida court issued under s. 741.30,
1061 s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487,
1062 and provided that the court had jurisdiction over the parties
1063 and the matter and that reasonable notice and opportunity to be
1064 heard was given to the person against whom the order is sought
1065 sufficient to protect that person's right to due process. Ex
1066 parte foreign injunctions for protection are not eligible for
1067 enforcement under this section unless notice and opportunity to
1068 be heard have been provided within the time required by the
1069 foreign state or tribal law, and in any event within a
1070 reasonable time after the order is issued, sufficient to protect
1071 the respondent's due process rights.

1072 **Section 17. For the purpose of incorporating the amendment**
1073 **made by this act to section 784.046, Florida Statutes, in**
1074 **references thereto, paragraph (e) of subsection (2) and**
1075 **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 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

1101 against himself or herself or others, whether or not such
1102 violence or threat of violence involves a firearm.

1103 2. An act or threat of violence by the respondent within
1104 the past 12 months, including, but not limited to, acts or
1105 threats of violence by the respondent against himself or herself
1106 or others.

1107 3. Evidence of the respondent being seriously mentally ill
1108 or having recurring mental health issues.

1109 4. A violation by the respondent of a risk protection
1110 order or a no contact order issued under s. 741.30, s. 784.046,
1111 or s. 784.0485.

1112 5. A previous or existing risk protection order issued
1113 against the respondent.

1114 6. A violation of a previous or existing risk protection
1115 order issued against the respondent.

1116 7. Whether the respondent, in this state or any other
1117 state, has been convicted of, had adjudication withheld on, or
1118 pled nolo contendere to a crime that constitutes domestic
1119 violence as defined in s. 741.28.

1120 8. Whether the respondent has used, or has threatened to
1121 use, against himself or herself or others any weapons.

1122 9. The unlawful or reckless use, display, or brandishing
1123 of a firearm by the respondent.

1124 10. The recurring use of, or threat to use, physical force
1125 by the respondent against another person or the respondent

1126 stalking another person.

1127 11. Whether the respondent, in this state or any other
1128 state, has been arrested for, convicted of, had adjudication
1129 withheld on, or pled nolo contendere to a crime involving
1130 violence or a threat of violence.

1131 12. Corroborated evidence of the abuse of controlled
1132 substances or alcohol by the respondent.

1133 13. Evidence of recent acquisition of firearms or
1134 ammunition by the respondent.

1135 14. Any relevant information from family and household
1136 members concerning the respondent.

1137 15. Witness testimony, taken while the witness is under
1138 oath, relating to the matter before the court.

1139 **Section 18. For the purpose of incorporating the amendment**
1140 **made by this act to section 784.046, Florida Statutes, in a**
1141 **reference thereto, subsection (6) of section 901.15, Florida**
1142 **Statutes, is reenacted to read:**

1143 901.15 When arrest by officer without warrant is lawful.—A
1144 law enforcement officer may arrest a person without a warrant
1145 when:

1146 (6) There is probable cause to believe that the person has
1147 committed a criminal act according to s. 790.233 or according to
1148 s. 741.31, s. 784.047, or s. 825.1036 which violates an
1149 injunction for protection entered pursuant to s. 741.30, s.
1150 784.046, or s. 825.1035 or a foreign protection order accorded

1151 full faith and credit pursuant to s. 741.315, over the objection
1152 of the petitioner, if necessary.

1153 **Section 19. For the purpose of incorporating the amendment**
1154 **made by this act to section 784.046, Florida Statutes, in a**
1155 **reference thereto, subsection (5) of section 901.41, Florida**
1156 **Statutes, is reenacted to read:**

1157 901.41 Prearrest diversion programs.—

1158 (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor
1159 crime of domestic violence, as defined in s. 741.28, or a
1160 misdemeanor under s. 741.29, s. 741.31, s. 784.046, s. 784.047,
1161 s. 784.048, s. 784.0487, or s. 784.049 does not qualify for a
1162 civil citation or prearrest diversion program.

1163 **Section 20. For the purpose of incorporating the amendment**
1164 **made by this act to section 784.046, Florida Statutes, in a**
1165 **reference thereto, paragraph (p) of subsection (6) of section**
1166 **921.141, Florida Statutes, is reenacted to read:**

1167 921.141 Sentence of death or life imprisonment for capital
1168 felonies; further proceedings to determine sentence.—

1169 (6) AGGRAVATING FACTORS.—Aggravating factors shall be
1170 limited to the following:

1171 (p) The capital felony was committed by a person subject
1172 to an injunction issued pursuant to s. 741.30 or s. 784.046, or
1173 a foreign protection order accorded full faith and credit
1174 pursuant to s. 741.315, and was committed against the petitioner
1175 who obtained the injunction or protection order or any spouse,

HB 547

2026

child, sibling, or parent of the petitioner.

Section 21. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, paragraph (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 22. 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 23. For the purpose of incorporating the amendment made by this act to section 784.046, Florida Statutes, in a reference thereto, subsection (3) of section 934.425, Florida Statutes, is reenacted to read:

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

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

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

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

Section 24. This act shall take effect July 1, 2026.