

# 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 643](#)

**TITLE:** Violations of Injunctions for Protection Against Domestic Violence

**SPONSOR(S):** Plakon and Tendrich

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Criminal Justice](#)

15 Y, 1 N, As CS



[Justice Budget](#)

12 Y, 1 N



[Judiciary](#)

## SUMMARY

### Effect of the Bill:

The bill revises the crime related to subsequent violations of an injunction for protection against domestic violence by:

- Enhancing the penalty upon a *second* or subsequent violation of such an offense to a third degree felony, rather than upon a third or subsequent violation;
- Adding assault and battery to the list of prior convictions that expose an offender to an enhanced penalty if he or she subsequently violates an injunction for protection against domestic violence against the same victim; and
- Requiring a court to sentence a person convicted of such an offense to a minimum of 10 days in county jail for each violation.

### Fiscal or Economic Impact:

The bill may have an indeterminate positive impact on jail and prison beds by enhancing the penalty for violating an injunction for protection against domestic violence to a third degree felony upon a *second* specified violation.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

## ANALYSIS

### EFFECT OF THE BILL:

The bill revises the crime related to subsequent violations of an injunction for protection against [domestic violence](#). Specifically, the bill:

- Enhances the penalty from a first degree misdemeanor to a third degree felony upon a *second* or subsequent violation of such an offense, rather than upon a third or subsequent violation.
- Adds [assault](#) and [battery](#) to the list of prior convictions for which a subsequent [violation of an injunction or foreign protection order](#) against the same victim will subject a person to an enhanced penalty.
- Requires the court to sentence a person convicted of such an offense to a minimum of 10 days in county jail for each violation, unless the court sentences the person to a nonsuspended period of incarceration in a state correctional facility. (Section [1](#))

Under the bill, the term “conviction” means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered. (Section [1](#))

The effective date of the bill is October 1, 2026. (Section [2](#))

### FISCAL OR ECONOMIC IMPACT:

**STORAGE NAME:** h0643c.JUB

**DATE:** 1/29/2026

**STATE GOVERNMENT:**

The bill may have an indeterminate positive impact on prison beds by enhancing the penalty for violating an injunction for protection against domestic violence to a third degree felony upon a second specified violation, which may lead to more offenders being sentenced for felony offenses.

**LOCAL GOVERNMENT:**

The bill may have an indeterminate positive impact on jail beds, to the extent that the requirement in the bill to sentence a person with specified prior convictions who violates an injunction for protection against domestic violence to a minimum of 10 days in county jail results in more or longer jail sentences.

**RELEVANT INFORMATION****SUBJECT OVERVIEW:****Domestic Violence**

Under [s. 741.28, F.S.](#), “domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

“Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

*Mandatory Term of Imprisonment Related to Domestic Violence*

Generally, if a person is adjudicated guilty of a domestic violence crime and intentionally caused bodily harm to the victim, the court must order the person to serve a minimum of:

- 10 days in county jail for a first offense.
- 15 days in county jail for a second offense.
- 20 days in county jail for a third or subsequent offense.<sup>1</sup>

If a person commits such an offense in the presence of a child under 16 years of age who is a family or household member of either the person or the victim, the court must order the person to serve a minimum of:

- 15 days in county jail for a first offense.
- 20 days in county jail for a second offense.
- 30 days in county jail for a third or subsequent offense.<sup>2</sup>

*Domestic Violence Injunction*

An injunction for protection against domestic violence may be sought by a family or household member.<sup>3</sup> The parties do not need to be married before a person can seek relief from domestic violence, and a party’s right to seek relief is not affected by leaving the residence or household to avoid domestic violence.<sup>4</sup>

<sup>1</sup> [S. 741.283\(1\)\(a\), F.S.](#)

<sup>2</sup> [S. 741.283\(1\)\(b\), F.S.](#)

<sup>3</sup> [S. 741.30\(1\)\(e\), F.S.](#)

<sup>4</sup> [S. 741.30\(1\)\(d\)-\(e\), F.S.](#)

Once a petition for an injunction has been filed with the court, one of three events takes place:

- The court determines the petition has no merit and denies the petition, providing written findings for the denial;
- The court grants an ex parte temporary injunction and simultaneously sets a return hearing within 15 days; or
- The injunction is denied but a return hearing is scheduled so that both parties have the opportunity to present their issues and evidence before the court for further evaluation.<sup>5</sup>

If, upon the initial review of the contents of the petition for an injunction, the court finds the petitioner is in immediate and present danger of domestic violence, it may grant a temporary injunction in an ex parte proceeding, pending a full hearing, and grant relief including:

- 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>6</sup> including a timesharing schedule,<sup>7</sup> which may award the petitioner up to 100 percent of the timesharing.<sup>8</sup>

A temporary injunction is effective only for up to 15 days, and a full hearing must be set for a date prior to the injunction's expiration.<sup>9</sup>

In determining whether reasonable cause exists that the petitioner is in imminent danger exists, the court must consider specific factors, including:<sup>10</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>5</sup> [S. 741.30\(5\)\(b\), F.S.](#)

<sup>6</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>7</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>8</sup> [S. 741.30\(5\)\(a\), F.S.](#)

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

<sup>10</sup> [S. 741.30\(6\)\(b\), F.S.](#)

A court issuing a permanent domestic violence injunction may grant relief including:

- 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;
- 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>11</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>12</sup>

#### *Foreign Protection Order*

Pursuant to 18 U.S.C. s. 2265, an injunction for protection against domestic violence issued by a court of a foreign state<sup>13</sup> must be accorded full faith and credit by Florida courts and enforced by a law enforcement agency as if it were the order of a Florida court, 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.<sup>14</sup>

However, ex parte foreign injunctions for protection are not eligible for enforcement 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.<sup>15</sup>

#### **Violation of a Domestic Violence Injunction or Foreign Protection Order**

Under [s. 741.31, F.S.](#), a person commits a first degree misdemeanor<sup>16</sup> if he or she willfully violates an injunction for protection against domestic violence issued pursuant to [s. 741.30, F.S.](#), or a foreign protection order accorded full faith and credit pursuant to [s. 741.315, F.S.](#), by:

- Refusing to vacate the dwelling that the parties share;
- 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;
- Committing an act of domestic violence against the petitioner;
- Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
- Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
- Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
- Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
- Refusing to surrender firearms or ammunition if ordered to do so by the court.

#### *Penalties for Subsequent Violations of a Domestic Violence Injunction or Foreign Protection Order*

A person who has *two or more* prior convictions for a violation of an injunction or foreign protection order, and who subsequently commits a violation of any injunction or foreign protection order against the same victim,

<sup>11</sup> [S. 741.30\(6\)\(a\), F.S.](#)

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

<sup>13</sup> The term "court of a foreign state" means a court of competent jurisdiction of a state of the United States, other than Florida; the District of Columbia; an Indian tribe; or a commonwealth, territory, or possession of the United States. [S. 741.315\(1\), F.S.](#)

<sup>14</sup> [S. 741.315\(2\), F.S.](#)

<sup>15</sup> *Id.*

<sup>16</sup> A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. [Ss. 775.082 and 775.083, F.S.](#)

commits a third degree felony.<sup>17,18</sup> A “conviction” means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.<sup>19</sup>

Absent other factors, there is currently no requirement that an offender who commits one or multiple violations of a domestic violence injunction be sentenced to a mandatory jail sentence.

### **Assault and Aggravated Assault**

Under [s. 784.011, F.S.](#), an “assault” is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent. Assault is punishable as a second degree misdemeanor.<sup>20</sup>

“Aggravated assault” is punishable as a third degree felony and is an assault:

- With a deadly weapon without intent to kill; or
- With an intent to commit a felony.<sup>21</sup>

### **Battery Offenses**

#### *Battery*

Under [s. 784.03\(1\), F.S.](#), a “battery” occurs when a person actually and intentionally touches or strikes another person against the will of the other, or intentionally causes bodily harm to another person. Battery is punishable as a first degree misdemeanor.

#### *Felony Battery*

A person commits felony battery, punishable as a third degree felony, if he or she:

- Has one prior conviction for battery, aggravated battery, or felony battery and commits any second or subsequent battery;<sup>22</sup> or
- Actually and intentionally touches or strikes another person against the will of the other and causes great bodily harm, permanent disability, or permanent disfigurement.<sup>23</sup>

#### *Domestic Battery by Strangulation*

A person commits domestic battery by strangulation, punishable as a third degree felony, if the person knowingly and intentionally, against the will of another, impedes the normal breathing or circulation of the blood of a family or household member or of a person with whom he or she is in a dating relationship, so as to create a risk of or cause great bodily harm by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person.<sup>24</sup>

#### *Aggravated Battery*

“Aggravated battery” is punishable as a second degree felony<sup>25</sup> and occurs when a person, in committing battery:

- Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement;
- Uses a deadly weapon; or
- Batters a victim who was pregnant at the time of the offense, and knew or should have known that the victim was pregnant.<sup>26</sup>

<sup>17</sup> A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, 775.083](#), or [775.084, F.S.](#)

<sup>18</sup> [S. 741.31\(4\)\(c\), F.S.](#) Currently, a person who has just one prior conviction for such an offense, and who subsequently commits a violation of any injunction or foreign protection order against the same victim, commits a first degree misdemeanor.

<sup>19</sup> *Id.*

<sup>20</sup> A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

<sup>21</sup> [S. 784.021, F.S.](#)

<sup>22</sup> [S. 784.03\(2\), F.S.](#)

<sup>23</sup> [S. 784.041\(1\), F.S.](#)

<sup>24</sup> [S. 784.041\(2\), F.S.](#)

<sup>25</sup> A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. [Ss. 775.082, 775.083](#), or [775.084, F.S.](#)

<sup>26</sup> [S. 784.045, F.S.](#)

*Sexual Battery*

“Sexual battery” means oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object.<sup>27</sup> “Consent” means intelligent, knowing, and voluntary consent, and does not include coerced submission or the failure by the alleged victim to offer physical resistance to the offender.<sup>28</sup>

In part, a person 18 years of age or older who commits sexual battery upon a person 18 years of age or older, without that person’s consent, commits a first degree felony<sup>29,30</sup> if any of the following circumstances apply:

- The victim is physically helpless to resist.
- The offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat.
- The offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future.
- The offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance that mentally or physically incapacitates the victim.
- The victim is mentally defective, and the offender has reason to believe this or has actual knowledge of this fact.
- The victim is physically incapacitated.<sup>31</sup>

A person 18 years of age or older who commits sexual battery upon a person 18 years of age or older, without that person’s consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a second degree felony.<sup>32</sup>

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Criminal Justice Subcommittee</a>	15 Y, 1 N, As CS	1/20/2026	Hall	Butcher
THE CHANGES ADOPTED BY THE COMMITTEE:	Specified that that the 10-day mandatory minimum jail sentence under the bill does not apply if an offender is sentenced to a period of incarceration in state prison.			
<a href="#">Justice Budget Subcommittee</a>	12 Y, 1 N	1/29/2026	Keith	DiCola
<a href="#">Judiciary Committee</a>				

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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<sup>27</sup> [S. 794.011\(1\)\(j\), F.S.](#) Sexual battery does not include an act done for a bona fide medical purpose.

<sup>28</sup> [S. 794.011\(1\)\(a\), F.S.](#)

<sup>29</sup> A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. [Ss. 775.082, 775.083](#), or [775.084, F.S.](#)

<sup>30</sup> [S. 794.011\(4\)\(b\), F.S.](#)

<sup>31</sup> [S. 794.011\(4\)\(e\), F.S.](#)

<sup>32</sup> [S. 794.011\(5\)\(b\), F.S.](#)