



105746

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2026	.	
	.	
	.	
	.	

---

The Appropriations Committee on Criminal and Civil Justice  
(Calatayud) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 123 - 972

and insert:

Section 1. Present subsections (3) and (4) of section  
741.28, Florida Statutes, are redesignated as subsections (4)  
and (5), respectively, and a new subsection (3) and subsection  
(6) are added to that section, to read:

741.28 Domestic violence; definitions.—As used in ss.  
741.28-741.31:



105746

11       (3) "Electronic monitoring" means tracking the location of  
12 a person through the use of technology that is capable of  
13 determining or identifying the monitored person's presence or  
14 absence at a particular location, including, but not limited to:

15       (a) Radio frequency signaling technology, which detects if  
16 the monitored person is or is not at an approved location and  
17 notifies the monitoring agency of the time that the monitored  
18 person either leaves the approved location or tampers with or  
19 removes the monitoring device; or

20       (b) Active or passive global positioning system technology,  
21 which detects the location of the monitored person and notifies  
22 the monitoring agency of the monitored person's location and  
23 which may also include electronic monitoring with victim  
24 notification technology that is capable of notifying a victim or  
25 protected party, either directly or through a monitoring agency,  
26 if the monitored person enters within the restricted distance of  
27 a victim or protected party or within the restricted distance of  
28 a designated location.

29       (6) "Military protective order" means a protective order  
30 issued in accordance with 10 U.S.C. s. 1567 by a commanding  
31 officer in the Armed Forces of the United States or the National  
32 Guard of any state against a person under such officer's  
33 command.

34       Section 2. Section 741.2801, Florida Statutes, is created  
35 to read:

36       741.2801 Domestic violence; enhanced penalties.—

37       (1) As used in this section, the term "conviction" means a  
38 determination of guilt that is the result of a plea or trial,  
39 regardless of whether adjudication is withheld or a plea of nolo



105746

40 contendere is entered.

41 (2) If a person has a prior conviction for a crime of  
42 domestic violence, upon a finding by the factfinder that the  
43 defendant committed a second or subsequent offense of domestic  
44 violence, the penalty for any such felony or misdemeanor offense  
45 may be enhanced. Any penalty enhancement affects the applicable  
46 statutory maximum penalty only. Each of the findings required as  
47 a basis for such sentence must be found beyond a reasonable  
48 doubt. The enhancement will be as follows:

49 (a) A misdemeanor of the second degree may be punished as  
50 if it were a misdemeanor of the first degree.

51 (b) A misdemeanor of the first degree may be punished as if  
52 it were a felony of the third degree. For purposes of sentencing  
53 under chapter 921, such offense is ranked in level 1 of the  
54 offense severity ranking chart.

55 (c) A felony of the third degree may be punished as if it  
56 were a felony of the second degree.

57 (d) A felony of the second degree may be punished as if it  
58 were a felony of the first degree.

59 (e) A felony of the first degree may be punished as if it  
60 were a life felony.

61  
62 For purposes of sentencing under chapter 921 and determining  
63 incentive gain-time eligibility under chapter 944, such felony  
64 offense is ranked as provided in s. 921.0022 or s. 921.0023 and  
65 without regard to the penalty enhancement in this section.

66 Section 3. Section 741.281, Florida Statutes, is amended to  
67 read:

68 741.281 Court to order batterers' intervention program



105746

attendance; electronic monitoring.—

(1) If a person is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence, ~~as defined in s. 741.28,~~ that person shall be ordered by the court to a minimum term of 1 year's probation and the court shall order that the defendant attend and complete a batterers' intervention program as a condition of probation. The court must impose the condition of the batterers' intervention program for a defendant under this section, but the court, in its discretion, may determine not to impose the condition if it states on the record why a batterers' intervention program might be inappropriate. The court must impose the condition of the batterers' intervention program for a defendant placed on probation unless the court determines that the person does not qualify for the batterers' intervention program pursuant to s. 741.325. The imposition of probation under this section does not preclude the court from imposing any sentence of imprisonment authorized by s. 775.082.

(2) If a person is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence, and the court enters a no contact order with the victim as a condition of his or her probation, the court:

(a) May order the person to have electronic monitoring supervision as a condition of his or her probation.

(b) Must order the person to have electronic monitoring supervision as a condition of his or her probation if:

1. The court finds there is clear and convincing evidence that the defendant poses a threat of violence or physical harm to the victim; or



105746

2. The defendant has previously been convicted for violating an injunction for protection against domestic violence, dating violence, repeat violence, sexual violence, or stalking.

Section 4. Paragraph (b) of subsection (3), paragraph (b) of subsection (6), and paragraph (b) of subsection (8) of section 741.30, Florida Statutes, are amended to read:

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

(3)

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

PETITION FOR  
INJUNCTION FOR PROTECTION  
AGAINST DOMESTIC VIOLENCE

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

(a) Petitioner resides at: ...(address)...

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: ...(last known address)...

(c) Respondent's last known place of employment: ...(name of business and address)...

(d) Physical description of respondent: .....



105746

Race.....

Sex.....

Date of birth.....

Height.....

Weight.....

Eye color.....

Hair color.....

Distinguishing marks or scars.....

(e) Aliases of respondent:.....

(f) Respondent is the spouse or former spouse of the  
petitioner or is any other person related by blood or marriage  
to the petitioner or is any other person who is or was residing  
within a single dwelling unit with the petitioner, as if a  
family, or is a person with whom the petitioner has a child in  
common, regardless of whether the petitioner and respondent are  
or were married or residing together, as if a family.

(g) The following describes any other cause of action  
currently pending between the petitioner and respondent:.....  
.....

The petitioner should also describe any previous or pending  
attempts by the petitioner to obtain an injunction for  
protection against domestic violence in this or any other  
circuit, and the results of that attempt:.....  
.....

Case numbers should be included if available.

(h) Petitioner is either 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 because respondent  
has: ...(mark all sections that apply and describe in the spaces



105746

below the incidents of violence or threats of violence,  
specifying when and where they occurred, including, but not  
limited to, locations such as a home, school, place of  
employment, or visitation exchange)...

.....  
.....  
....committed or threatened to commit domestic violence  
defined in s. 741.28, Florida Statutes, as 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.  
With the exception of persons who are parents of 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.

....previously threatened, harassed, stalked, or physically  
abused the petitioner.

....attempted to harm the petitioner or family members or  
individuals closely associated with the petitioner.

....threatened to conceal, kidnap, or harm the petitioner's  
child or children.

....intentionally injured or killed or threatened to injure  
or kill a family pet, including a service animal as defined in  
s. 413.08(1), Florida Statutes, or an emotional support animal  
as defined in s. 760.27(1), Florida Statutes.

....used, or has threatened to use, against the petitioner  
any weapons such as guns or knives.

....physically restrained the petitioner from leaving the



105746

home or calling law enforcement.

....a criminal history involving violence or the threat of violence (if known).

....another order of protection issued against him or her previously or from another jurisdiction (if known).

....destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

....engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

....engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

(i) Petitioner alleges the following additional specific facts: ...(mark appropriate sections)...

....A minor child or minor children reside with the petitioner whose names and ages are as follows:

....Petitioner needs the exclusive use and possession of the dwelling that the parties share.

....Petitioner is unable to obtain safe alternative housing because:

....Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because:

(j) Petitioner genuinely fears imminent domestic violence



105746

by respondent.

(k) Petitioner seeks an injunction: ...(mark appropriate section or sections)...

....Immediately restraining the respondent from committing any acts of domestic violence.

....Restraining the respondent from committing any acts of domestic violence.

....Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

....Providing a temporary parenting plan, including a temporary time-sharing schedule, with regard to the minor child or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party.

....Designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if temporary time-sharing of the child is awarded to the respondent.

....Establishing temporary support for the minor child or children or the petitioner.

....Directing the respondent to participate in a batterers' intervention program.

....Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.



105746

(6)

(b) 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 shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.

2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.

4. Whether the respondent has intentionally injured or killed or threatened to injure or kill a family pet, including a service animal as defined in s. 413.08(1) or an emotional support animal as defined in s. 760.27(1).

5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.

6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.

7. Whether the respondent has a criminal history involving violence or the threat of violence.

8. The existence of a verifiable order of protection issued previously or from another jurisdiction, including a military protective order.

9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to



105746

the petitioner.

10. 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.

11. 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.

In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs 1.-11.

(8)

(b) A Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System is created within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions, dating violence injunctions, sexual violence injunctions, and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

Section 5. Subsection (5) of section 741.31, Florida Statutes, is amended, and subsection (7) is added to that



105746

section, to read:

741.31 Violation of an injunction for protection against domestic violence.—

(5) Regardless of whether ~~or not~~ there is a criminal prosecution under subsection (4), the court:

(a) Shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate.

(b) May order the respondent to electronic monitoring supervision for the duration of the injunction for protection. If electronic monitoring is ordered, the court must establish exclusion zones and include safety-planning and informed consent for the petitioner. The respondent is responsible for paying for the electronic monitoring services as provided in s. 948.09(2).

(c) Must order the respondent to electronic monitoring if the court finds that either of the circumstances in s. 741.281(2)(b) exist.

(7) If a law enforcement officer has probable cause to believe that a person committed a violation of subsection (4) and such officer determines that a military protective order entered into the National Crime Information Center database was also issued against such person and the officer has probable cause to believe that the person also violated the military protective order, the officer, or his or her employing agency, must notify the law enforcement agency that entered the military protective order into the database.



105746

Section 6. Subsection (3) is added to section 784.047, Florida Statutes, to read:

784.047 Penalties for violating protective injunction against violators; electronic monitoring.—

(3) (a) Regardless of whether there is a criminal prosecution under this section, the court may order the respondent to electronic monitoring supervision for the duration of the injunction for protection. If electronic monitoring is ordered, the court must establish exclusion zones and include safety planning and informed consent for the petitioner. The respondent is responsible for paying for the electronic monitoring services as provided in s. 948.09(2).

(b) The court must order the respondent to electronic monitoring supervision if the court finds that either of the circumstances in s. 741.281(2) (b) exist.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 115

and insert:

An act relating to domestic violence and protective injunctions; amending s. 741.28, F.S.; defining the terms "electronic monitoring" and "military protective order"; creating s. 741.2801, F.S.; defining the term "conviction"; providing enhanced penalties for committing a domestic violence offense if a person has a prior conviction for domestic violence; providing that sentencing and incentive gain-time eligibility determinations are made without regard to a penalty



105746

enhancement; amending s. 741.281, F.S.; authorizing, and in certain circumstances requiring, a court to order electronic monitoring in domestic violence cases; amending s. 741.30, F.S.; revising the information contained in a petition for injunction for protection against domestic violence; revising the factors a judge may consider in determining whether to grant a petition for injunction against domestic violence; requiring the Department of Law Enforcement to enter injunctions against dating violence and sexual violence into a statewide verification system; amending s. 741.31, F.S.; authorizing, and in certain circumstances requiring, a court to order electronic monitoring for a respondent to an injunction for protection against domestic violence; requiring the respondent to pay for such electronic monitoring services; requiring a law enforcement officer to make a specified notification if he or she has probable cause to believe that a person violated a military protective order; amending s. 784.047, F.S.; authorizing, and in certain circumstances requiring, a court to order electronic monitoring for a respondent in an injunction for protection against dating violence, repeat violence, or sexual violence; requiring the respondent to pay for such electronic monitoring services; amending s. 960.198, F.S.;