



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2026	.	
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The Appropriations Committee on Criminal and Civil Justice (Calatayud) recommended the following:

1 **Senate Amendment (with title amendment)**

2

3 Delete lines 123 - 972

4 and insert:

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

9 741.28 Domestic violence; definitions.—As used in ss.

10 741.28-741.31:



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



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.

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



69 attendance; electronic monitoring.-

70 (1) If a person is found guilty of, has adjudication
71 withheld on, or pleads nolo contendere to a crime of domestic
72 violence, ~~as defined in s. 741.28~~, that person shall be ordered
73 by the court to a minimum term of 1 year's probation and the
74 court shall order that the defendant attend and complete a
75 batterers' intervention program as a condition of probation. The
76 court must impose the condition of the batterers' intervention
77 program for a defendant under this section, but the court, in
78 its discretion, may determine not to impose the condition if it
79 states on the record why a batterers' intervention program might
80 be inappropriate. The court must impose the condition of the
81 batterers' intervention program for a defendant placed on
82 probation unless the court determines that the person does not
83 qualify for the batterers' intervention program pursuant to s.
84 741.325. The imposition of probation under this section does not
85 preclude the court from imposing any sentence of imprisonment
86 authorized by s. 775.082.

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

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

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

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



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

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

105 741.30 Domestic violence; injunction; powers and duties of
106 court and clerk; petition; notice and hearing; temporary
107 injunction; issuance of injunction; statewide verification
108 system; enforcement; public records exemption.—

109 (3)

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

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

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

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

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

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

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

126 (d) Physical description of respondent:



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127 Race.....
128 Sex.....
129 Date of birth.....
130 Height.....
131 Weight.....
132 Eye color.....
133 Hair color.....
134 Distinguishing marks or scars.....
135 (e) Aliases of respondent:
136 (f) Respondent is the spouse or former spouse of the
137 petitioner or is any other person related by blood or marriage
138 to the petitioner or is any other person who is or was residing
139 within a single dwelling unit with the petitioner, as if a
140 family, or is a person with whom the petitioner has a child in
141 common, regardless of whether the petitioner and respondent are
142 or were married or residing together, as if a family.
143 (g) The following describes any other cause of action
144 currently pending between the petitioner and respondent:.....
145
146 The petitioner should also describe any previous or pending
147 attempts by the petitioner to obtain an injunction for
148 protection against domestic violence in this or any other
149 circuit, and the results of that attempt:.....
150
151 Case numbers should be included if available.
152 (h) Petitioner is either a victim of domestic violence or
153 has reasonable cause to believe he or she is in imminent danger
154 of becoming a victim of domestic violence because respondent
155 has: ... (mark all sections that apply and describe in the spaces



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156 below the incidents of violence or threats of violence,
157 specifying when and where they occurred, including, but not
158 limited to, locations such as a home, school, place of
159 employment, or visitation exchange)....
160
161
162committed or threatened to commit domestic violence
163 defined in s. 741.28, Florida Statutes, as any assault,
164 aggravated assault, battery, aggravated battery, sexual assault,
165 sexual battery, stalking, aggravated stalking, kidnapping, false
166 imprisonment, or any criminal offense resulting in physical
167 injury or death of one family or household member by another.
168 With the exception of persons who are parents of a child in
169 common, the family or household members must be currently
170 residing or have in the past resided together in the same single
171 dwelling unit.
172previously threatened, harassed, stalked, or physically
173 abused the petitioner.
174attempted to harm the petitioner or family members or
175 individuals closely associated with the petitioner.
176threatened to conceal, kidnap, or harm the petitioner's
177 child or children.
178intentionally injured or killed or threatened to injure
179 or kill a family pet, including a service animal as defined in
180 s. 413.08(1), Florida Statutes, or an emotional support animal
181 as defined in s. 760.27(1), Florida Statutes.
182used, or has threatened to use, against the petitioner
183 any weapons such as guns or knives.
184physically restrained the petitioner from leaving the



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185 home or calling law enforcement.

186a criminal history involving violence or the threat of
187 violence (if known).

188another order of protection issued against him or her
189 previously or from another jurisdiction (if known).

190destroyed personal property, including, but not limited
191 to, telephones or other communication equipment, clothing, or
192 other items belonging to the petitioner.

193engaged in a pattern of abusive, threatening,
194 intimidating, or controlling behavior composed of a series of
195 acts over a period of time, however short.

196engaged in any other behavior or conduct that leads the
197 petitioner to have reasonable cause to believe he or she is in
198 imminent danger of becoming a victim of domestic violence.

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

201A minor child or minor children reside with the
202 petitioner whose names and ages are as follows:

203
204Petitioner needs the exclusive use and possession of
205 the dwelling that the parties share.

206Petitioner is unable to obtain safe alternative housing
207 because:

208
209Petitioner genuinely fears that respondent imminently
210 will abuse, remove, or hide the minor child or children from
211 petitioner because:

212
213 (j) Petitioner genuinely fears imminent domestic violence



214 by respondent.

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

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

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

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

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

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

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

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

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



243 (6)

244 (b) In determining whether a petitioner has reasonable
245 cause to believe he or she is in imminent danger of becoming a
246 victim of domestic violence, the court shall consider and
247 evaluate all relevant factors alleged in the petition,
248 including, but not limited to:

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

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

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

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

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

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

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

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

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



272 the petitioner.

273 10. Whether the respondent has or had engaged in a pattern
274 of abusive, threatening, intimidating, or controlling behavior
275 composed of a series of acts over a period of time, however
276 short, which evidences a continuity of purpose and which
277 reasonably causes the petitioner to believe that the petitioner
278 or his or her minor child or children are in imminent danger of
279 becoming victims of any act of domestic violence.

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

284
285 In making its determination under this paragraph, the court is
286 not limited to those factors enumerated in subparagraphs 1.-11.

287 (8)

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

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



301 section, to read:

302 741.31 Violation of an injunction for protection against
303 domestic violence.—

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

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

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

318 (c) Must order the respondent to electronic monitoring if
319 the court finds that either of the circumstances in s.
320 741.281(2)(b) exist.

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



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

332 784.047 Penalties for violating protective injunction
333 against violators; electronic monitoring.-

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

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

345

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

347 And the title is amended as follows:

348 Delete lines 2 - 115

349 and insert:

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



359 enhancement; amending s. 741.281, F.S.; authorizing,
360 and in certain circumstances requiring, a court to
361 order electronic monitoring in domestic violence
362 cases; amending s. 741.30, F.S.; revising the
363 information contained in a petition for injunction for
364 protection against domestic violence; revising the
365 factors a judge may consider in determining whether to
366 grant a petition for injunction against domestic
367 violence; requiring the Department of Law Enforcement
368 to enter injunctions against dating violence and
369 sexual violence into a statewide verification system;
370 amending s. 741.31, F.S.; authorizing, and in certain
371 circumstances requiring, a court to order electronic
372 monitoring for a respondent to an injunction for
373 protection against domestic violence; requiring the
374 respondent to pay for such electronic monitoring
375 services; requiring a law enforcement officer to make
376 a specified notification if he or she has probable
377 cause to believe that a person violated a military
378 protective order; amending s. 784.047, F.S.;
379 authorizing, and in certain circumstances requiring, a
380 court to order electronic monitoring for a respondent
381 in an injunction for protection against dating
382 violence, repeat violence, or sexual violence;
383 requiring the respondent to pay for such electronic
384 monitoring services; amending s. 960.198, F.S.;