

The Florida Senate  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 682

INTRODUCER: Criminal Justice Committee and Senators Calatayud and Berman

SUBJECT: Violent Criminal Offenses

DATE: January 22, 2026 REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2. _____	_____	<u>ACJ</u>	_____
3. _____	_____	<u>FP</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

## **I. Summary:**

CS/SB 682, cited as the “Domestic Emergency and Batterers Reform and Accountability Act” amends and creates several sections of law to address domestic violence.

### **Domestic Violence (Sections 5, 6, 7, & 8)**

The bill amends s. 741.28, F.S., to redefine domestic violence to mean any criminal offense resulting in physical injury or death of one family or household member by another family or household member or other specified criminal offenses if committed by a family or household member.

The bill defines “coercive control,” and “electronic monitoring,” and includes examples of such technology.

The bill amends s. 741.281, F.S., to allow the court to order electronic monitoring supervision to a defendant who is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence as a condition of his or her probation. Further, the court is required to order electronic monitoring supervision under certain conditions.

The bill creates s. 741.282, F.S., to allow a state attorney to enter into a written agreement with a person to participate in a domestic violence deferred sentencing program. A person is eligible to participate if the person is charged with a misdemeanor offense of domestic violence and the

person is a first-time domestic violence offender. The written deferred sentencing agreement must include all of the following conditions:

- The person enters a plea of guilt or nolo contendere.
- The person agrees to attend and participate in a domestic violence deferred sentencing program.
- The person knowingly signs a waiver of his or her right to a speedy trial for the period of his or her participation in the deferred sentencing program.
- All terms necessary for successful completion of the deferred sentencing program.

The bill provides participation requirements to the deferred sentencing program and requires the state attorney to allow a defendant to withdraw his or her plea and enter a nolle prosse upon successful completion of the program. If the state attorney finds the person has violated the program or did not successfully complete the program, the state attorney must notify the court and the court must set the case for sentencing.

The bill requires data relating to domestic violence offenses to be collected pursuant to s. 900.05, F.S., and allows for the state attorney to retain information relating to the defendant's participation in the deferred sentencing program.

The bill creates s. 741.2801, F.S., to provide penalty enhancements for crimes of domestic violence.

The bill creates s. 741.285, F.S., to reclassify an offense of domestic violence to the next degree if such offense occurs during a declared state of emergency and the offense occurred within the affected area of such emergency, and there is in effect a curfew, evacuation order, or the ingress and egress to the affected area is controlled.

### ***Investigations (Section 9 & 12)***

The bill amends ss. 741.29, and 784.046, F.S., respectively, to require the form which notifies victims of the legal rights and remedies available to include information on text-to-911 services and whether text-to-911 services are available in the victim's jurisdiction. The law enforcement officer must also provide the victim with a pamphlet which describes the short-term and long-term effects of strangulation and the importance of seeking medical treatment if the victim was strangled.

### ***Injunctions & Relocation Assistance (Sections 10, 11, 12, 13, & 14)***

The bill amends s. 741.30, F.S., relating to domestic violence injunctions to incorporate the new definition for domestic violence. Additionally, the Domestic and Repeat Violence Injunction Statewide Verification System under this section is amended to include dating violence injunctions and sexual violence injunctions.

The bill adds the use of a family pet as a means of coercive control to the list of actions a respondent has engaged in which may be noted on a petition for an injunction. The bill specifies a family pet includes a service animal and an emotional support animal.

The bill amends s. 784.046, F.S., to require a law enforcement officer to administer a lethality assessment if applicable.

The bill amends ss. 741.31, and 784.047, F.S., to reduce the number of prior convictions for a violation of an injunction before the offense is enhanced to a third degree felony from two to one. Additionally, the bill removes the requirement for subsequent violations to be committed against the same victim listed in the petition.

The bill allows the court to order a respondent in a protective injunction to electronic monitoring supervision for the duration of one year if the injunction remains in effect. The court must establish exclusion zones and include safety planning and informed consent for the petitioner.

The bill adds a question to the petitions for injunctions for protection against repeat violence, sexual violence, or dating violence to require a petitioner to declare whether the respondent has engaged in abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

The bill creates s. 784.0471, F.S., to reclassify a violation of an injunction for protection against dating violence, repeat violence, or sexual violence to the next degree if such violation occurs during a declared state of emergency and the offense occurred within the affected area of such emergency, and there is in effect a curfew, evacuation order, or the ingress and egress to the affected area is controlled.

The bill amends s. 960.198, F.S., to increase the crime victim compensation awards to a one-time payment of up to \$2,500 on any one claim and a lifetime maximum of \$5,000 to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.

### **Training on Domestic Violence, Dating Violence, and Strangulation Cases (Sections 3 & 4)**

The bill amends s. 401.27, F.S., to add criteria to rules established by the Department of Health (DOH) relating to the education, training criteria, and examinations for certification and recertification of emergency medical technicians and paramedics. The bill requires the DOH to approve a training program for emergency medical technicians and paramedics relating to domestic violence, dating violence, and strangulation.

An applicant for certification or recertification as an emergency medical technician or paramedic is required to have completed an approved training program relating to domestic violence, dating violence and strangulation by specified dates.

Such training is required biennially for renewal certification for paramedics as part of the 30 hours of continuing education units. An applicant who is trained outside of Florida, or trained in the military, must provide proof of successful completion of a training program that included instruction on the subject of domestic violence, dating violence, and strangulation.

The bill amends s. 633.408, F.S., to require the Division of State Fire Marshal within the Department of Financial Services to establish by rule training for career and volunteer

firefighters on the subject of domestic violence, dating violence, and strangulation. Such training must be a requirement for obtaining a Firefighter Certificate of Compliance, a Volunteer Firefighter Certificate of Completion, or a Special Certificate of Compliance. Training must be completed by a specified date.

### **Statewide Emergency Communications Plan (Section 2)**

The bill amends s. 365.171, F.S., to require the Division of Telecommunications within the Department of Management Services (DMS) to develop, maintain, and implement into the statewide emergency communications plan a system or process to flag addresses at which a 911 call reported an alleged incident of domestic violence or dating violence.

The bill may have an indeterminate fiscal impact. See *Section V. Fiscal Impact Statement*.

The bill takes effect on July 1, 2026.

## **II. Present Situation:**

### **Domestic Violence**

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.<sup>1</sup>

In 2024, 61,216 crimes of domestic violence were reported, resulting in 32,665 arrests.<sup>2</sup> Of those 61,216 reported domestic violence offenses, the relationship of the victims to the offenders varied, including:

- 17,980 were spousal;<sup>3</sup>
- 6,957 were co-habitants;<sup>4</sup> and
- 4,983 were other.<sup>5</sup>

This data was compiled by the Florida Department of Law Enforcement (FDLE) after receiving the number of reports and arrests from local law enforcement agencies.<sup>6</sup>

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<sup>1</sup> Section 741.28(2), F.S.

<sup>2</sup> Florida Department of Law Enforcement, *Crime in Florida: Florida Uniform Crime Report 2022-2024*, (on file with the Senate Committee on Criminal Justice).

<sup>3</sup> Spouse means the victim and offender are married by law or have been previously married. This category included ex-spouses.

<sup>4</sup> *Id.* Co-Habitant means the victim lived with the offender as a married couple without legal marriage. This category includes former co-habitants.

<sup>5</sup> *Id.* Other means the victim and offender had a child together but were never married and never lived together.

<sup>6</sup> The data provided represents the information submitted to the FDLE as of the date of the report. The FDLE acts as a data repository for the law enforcement agencies who voluntarily submit UCR data or data required by the state. *See email correspondence from William Grissom*, (on file with the Senate Committee on Criminal Justice).

### ***Domestic Violence Training and Investigations***

Every basic skills course required for a law enforcement officer to obtain initial certification must include a minimum of six hours of training in handling domestic violence cases. Such training must include training in the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.<sup>7</sup>

Domestic violence investigations require an officer who investigates an alleged incident of domestic violence to:<sup>8</sup>

- Assist the victim to obtain medical treatment if such is required;<sup>9</sup>
- Advise the victim that there is a domestic violence center from which the victim may receive services;<sup>10</sup>
- Administer a lethality assessment if the allegation of domestic violence is against an intimate partner, regardless of whether an arrest is made;<sup>11</sup>
- Give the victim immediate notice of the legal rights and remedies available;<sup>12</sup>
- Make a written report, whether or not an arrest is made, that is complete and clearly indicates the alleged offense was an incident of domestic violence. The report must be given to the officer's supervisor and filed with the law enforcement agency in a manner that will permit data on domestic violence cases to be compiled.<sup>13</sup> Such report must include:
  - A description of physical injuries observed, if any.
  - If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the officer must include the grounds for not arresting anyone or for arresting two or more parties.
  - A statement which indicates that a copy of the legal rights and remedies notice was given to the victim.
- Obtain a written statement from the victim and witnesses concerning the alleged domestic violence when possible; and
- Make an arrest whenever the officer determines probable cause that an act of domestic violence has been committed.<sup>14, 15</sup>

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<sup>7</sup> Section 943.171, F.S.

<sup>8</sup> Section 741.29, F.S.

<sup>9</sup> Section 741.29(1)(a), F.S.

<sup>10</sup> Section 741.29(1)(b), F.S.

<sup>11</sup> Section 741.29(1)(c), F.S.

<sup>12</sup> Section 741.29(1)(d), F.S. The Legal Rights and Remedies Notice to Victims must include a general summary of s. 741.30, F.S., the resource listing and phone number for the area domestic violence center, and a copy of the following statement: "If you are a victim of domestic 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 domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of minor children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

<sup>13</sup> Section 741.29 (3), F.S.

<sup>14</sup> Section 741.29(4), F.S.

<sup>15</sup> Section 901.15(7), F.S., provides that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has committed an act of domestic violence. The decision to arrest does not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly discourage arrest and charges of both parties for domestic violence or dating violence on each other and to encourage training of law enforcement and prosecutors in these areas.

### ***Sentencing for Domestic Violence Crimes***

A person adjudicated guilty of a crime of domestic violence when such person intentionally caused bodily harm to another person, the court must order the person to serve a minimum of:<sup>16</sup>

- 10 days in the county jail for a first offense;
- 15 days for a second offense; and
- 20 days for a third or subsequent offense as part of the sentence imposed.

If a person is adjudicated guilty of a crime of domestic violence and has intentionally caused bodily harm to another person, and the crime of domestic violence takes place in the presence of a child under the age of 16 who is a family or household member of the victim or perpetrator, the court must order the person to serve a minimum of:<sup>17</sup>

- 15 days in the county jail for a first offense;
- 20 days for a second offense; and
- 30 days for a third or subsequent offense as part of the sentence imposed.

The court is not prevented from sentencing the person to probation, community control, or an additional period of incarceration.<sup>18</sup>

If a person is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence, such person must be ordered by the court to a minimum term of one year's probation and the court must order that the defendant attend and complete a batterer's intervention program as a condition of probation. The court must impose the condition unless the court states on the record why a batterer's intervention program might be inappropriate or the court determines that the person does not qualify for the batterer's intervention program.<sup>19</sup>

### **Causes of Action for Protective Injunctions**

Though there are several causes of action for injunctions under different sections of Florida law, including injunctions for protection against domestic violence, dating violence, repeat violence, and sexual violence.

#### ***Domestic Violence***

Any person<sup>20</sup> who is either the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in circuit court to file a verified petition for an injunction for protection against domestic violence.<sup>21</sup>

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<sup>16</sup> Section 741.283(1)(a), F.S.

<sup>17</sup> Section 741.283(1)(b), F.S.

<sup>18</sup> Section 741.283(2), F.S.

<sup>19</sup> Section 741.281, F.S.

<sup>20</sup> This cause of action for an injunction may be sought by family or household members. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

Section 741.30(1)(e), F.S.

<sup>21</sup> Section 741.30(1)(b), F.S.

In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court must consider and evaluate all relevant factors alleged in the petition, including, but not limited to:<sup>22</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 order of protection issued previously or from another jurisdiction.
- Whether the respondent has destroyed personal property 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.

### ***Dating Violence***

Under s. 784.046, F.S., there are three protective injunctions a person may petition for: an injunction for protection in cases of repeat violence,<sup>23</sup> an injunction for protection in cases of dating violence,<sup>24</sup> and an injunction for protection in cases of sexual violence.<sup>25,26</sup> However, this section is limited dependent on the nature of the relationship or the act of repeated or sexual violence.<sup>27</sup>

Dating violence is determined by the existence of a relationship based on consideration of the following factors:<sup>28</sup>

- A dating relationship must have existed within the past six months;

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<sup>22</sup> Section 741.30(6)(b), F.S.

<sup>23</sup> "Repeat violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member. Section 784.046(1)(b), F.S.

<sup>24</sup> "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of certain factors. Section 784.046(1)(d), F.S.

<sup>25</sup> "Sexual violence" means any one incident of: sexual battery, lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age, luring or enticing a child, sexual performance by a child, or any other forcible felony wherein a sexual act is committed or attempted. Section 784.046(1)(c), F.S.

<sup>26</sup> Section 784.046(2), F.S.

<sup>27</sup> "Violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death by a person against any other person.

<sup>28</sup> Section 784.046(1)(d)1-3., F.S.

- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

Dating violence does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

A person has standing in circuit court to file a verified petition for an injunction against dating violence if he or she:

- Is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming a victim of another act of dating violence;
- Has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence; or,
- Is the parent or legal guardian of any minor child in the home and who seeks an injunction for protection against dating violence on behalf of the minor.<sup>29</sup>

### ***Sexual Violence and Repeat Violence***

Sexual violence includes an incident of a specified sexual offense<sup>30</sup> regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney. A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home and is the victim of sexual violence has standing in the circuit court to file a verified petition for an injunction for protection against sexual violence on his or her own behalf or on behalf of the minor child if:<sup>31</sup>

- The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent, regardless of whether criminal charges based on the sexual violence have been filed, reduced, or dismissed by the state attorney; or
- The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

Any person who is the victim of repeat violence, or the parent or legal guardian of a child who seeks an injunction for protection against repeat violence on behalf of the child, has standing to file a verified petition for an injunction for protection against repeat violence. For an injunction for protection against repeat violence, there must be two incidents of violence or stalking committed by the respondent.<sup>32</sup>

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<sup>29</sup> Section 784.046(2)(b), F.S.

<sup>30</sup> Such offenses include: sexual battery, a lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age, luring or enticing a child, sexual performance by a child, or any other forcible felony wherein a sexual act is committed or attempted regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney. Section 784.046(1)(c), F.S.

<sup>31</sup> Section 784.046(2)(c), F.S.

<sup>32</sup> Section 784.046(2)(a), F.S.

### ***Procedure for Filing Injunctions***

A cause of action does not require that the petitioner be represented by an attorney.<sup>33,34</sup> The clerk of the court may not assess a fee for filing a petition<sup>35,36</sup> and no bond will be required by the court for entry of an injunction.<sup>37,38</sup> The clerk of the court must provide the petitioner with a certified copy of any injunction for protection entered by the court, however, the clerk must provide a minimum of two certified copies for an injunction for protection against domestic violence.<sup>39,40</sup>

The clerk of the court must provide a copy of the section,<sup>41</sup> simplified forms, and clerical assistance to a victim of dating violence, sexual violence, or repeat violence who is not represented by counsel.<sup>42</sup>

Additionally, a cause of action for an injunction may be sought whether or not any other petition, complaint, or cause of action is currently available or pending between the parties.<sup>43,44</sup>

### ***Injunction Statewide Verification Systems***

A Domestic and Repeat Violence Injunction Statewide Verification System exists under the FDLE's purview. The system electronically transmits information relating to domestic violence injunctions and repeat violence injunctions to and between criminal justice agencies.<sup>45</sup> Within 24 hours after the service of process of an injunction for protection against domestic violence upon the respondent, the law enforcement officer must electronically transmit the written proof of service. Additionally, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.<sup>46</sup>

Additionally, a Domestic, Dating, Sexual and Repeat Violence Injunction Statewide Verification System exists to electronically transmit information relating to domestic violence injunctions, dating violence injunctions, sexual violence injunctions, and repeat violence injunctions to and between criminal justice agencies.<sup>47</sup>

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<sup>33</sup> Section 741.30(1)(f), F.S.

<sup>34</sup> Section 784.046(2)(e), F.S.

<sup>35</sup> Section 741.30(2)(a), F.S.

<sup>36</sup> Section 784.046(3)(b), F.S.

<sup>37</sup> Section 741.30(2)(b), F.S.

<sup>38</sup> Section 784.046(3)(c), F.S.

<sup>39</sup> Section 741.30(2)(c)5., F.S.

<sup>40</sup> Section 784.046(3)(d), F.S.

<sup>41</sup> Section 784.046, F.S., Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption.

<sup>42</sup> Section 784.046(3)(a), F.S.

<sup>43</sup> Section 784.046(2)(d), F.S.

<sup>44</sup> Section 741.30(6)(f), F.S.

<sup>45</sup> Section 741.30(8)(b), F.S.

<sup>46</sup> Section 741.30(8)(c)3., F.S.

<sup>47</sup> Section 784.046(8)(b), F.S.

### ***Violation of an Injunction for Protection***

A person commits a first degree misdemeanor if he or she willfully violates an injunction for protection by:<sup>48,49</sup>

- 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, dating violence, repeat violence, or sexual 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 allow 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.

A person who has two or more prior convictions for violation of an injunction commits a third degree felony if he or she commits a subsequent violation of any injunction against the same victim.<sup>50,51</sup>

For violations of injunctions for protection against domestic violence, regardless of criminal prosecution, the court must 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 stating why a batterers' intervention program would be inappropriate.<sup>52</sup> Additionally, a person commits a first degree misdemeanor if he or she violates a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.<sup>53</sup>

### ***Relocation Assistance for Victims of Domestic Violence***

The Department of Legal Affairs may award a one-time payment of up to \$1,500 on any one claim and a lifetime maximum of \$3,000 to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.<sup>54</sup> In order for such award to be granted:<sup>55</sup>

- There must be proof that a domestic violence offense was committed;
- The domestic violence offense must be reported to the proper authorities;

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<sup>48</sup> Section 741.31(4)(a), F.S.

<sup>49</sup> Section 784.047(1), F.S.

<sup>50</sup> Section 741.31(4)(c), F.S.

<sup>51</sup> Section 784.047(2), F.S.

<sup>52</sup> Section 741.31(5), F.S.

<sup>53</sup> Section 741.31(4)(b), F.S.

<sup>54</sup> Section 960.198(1), F.S.

<sup>55</sup> Section 960.198(2), F.S.

- The victim's need for assistance must be certified by a certified domestic violence center in this state; and
- The center certification must assert that the victim is cooperating with law enforcement officials, if applicable, and must include documentation that the victim has developed a safety plan.

## 911 Communications

The Emergency Communications Act provides legislative intent to establish and implement statewide emergency communications and response capabilities using modern technologies and methods and to fund certain costs incurred by the counties associated with public safety emergency responses.<sup>56</sup> The Emergency Communications Act prohibits the misuse of the 911, E911,<sup>57</sup> and NG911<sup>58</sup> systems.

Since 1974, Florida law has designated "911" as the statewide emergency telephone number to provide citizens with rapid direct access to public safety agencies.<sup>59, 60</sup> In 1999, the concept of "Enhanced 911" or "E911" service was established in Florida law to describe 911 service provided to wireless telephone users.<sup>61</sup> Today, under the Emergency Communications Number E911 Act,<sup>62</sup> the term "E911," as used in Florida law, refers more broadly to an enhanced 911 system or service that provides any user of voice communications services<sup>63</sup> with 911 service. E911 service directs calls to appropriate public safety answering points (PSAPs) by selective routing based on the geographical location from which a 911 call originated and provides for automatic number and location identification.<sup>64</sup> PSAPs receiving incoming 911 requests for assistance dispatch appropriate public safety agencies to respond to the requests in accordance with the statewide emergency communications plan.<sup>65</sup>

<sup>56</sup> Section 365.172(2)(a)-(b), F.S.

<sup>57</sup> "Enhanced 911" or "E911" means an enhanced 911 system or enhanced 911 services that is an emergency telephone system or service that provides a subscriber with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on geographical location from which the call originated, or as otherwise provided in the state plan, and that provides for automatic number identification and automatic location-identification features. Section 365.172(3)(i), F.S.

<sup>58</sup> "Next Generation 911" or "NG911" means an Internet Protocol (IP)-based system composed of managed Emergency Services IP Networks, functional elements (applications), and databases that replicate traditional E911 features and functions and provide additional capabilities. The NG911 system is designed to provide access to emergency services from all connected communication sources and provide multimedia data capabilities for PSAPs and other emergency service organizations. Section 365.172(3)(s), F.S.

<sup>59</sup> Chapter 74-357, L.O.F.

<sup>60</sup> "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. Section 365.172(3)(z), F.S.

<sup>61</sup> Chapter 99-367, L.O.F.

<sup>62</sup> Chapter 2007-78, L.O.F.

<sup>63</sup> "Voice communications services" means two-way voice service, through the use of any technology, which actually provides access to 911 services, and includes communications services, as defined in s. 202.11, F.S., which actually provide access to 911 services and which are required to be included in the provision of 911 services pursuant to orders and rules adopted by the Federal Communications Commission. The term includes voice-over-Internet-protocol service.

Section 365.172(3)(ee), F.S.

<sup>64</sup> Section 365.172(3)(i), F.S.

<sup>65</sup> Section 365.172(3)(aa), F.S.

The next progression in E911 systems is referred to as Next Generation 911 (NG911). NG911 is a digital, internet protocol-based system that replaces the analog 911 infrastructure which, among other things, allows photo, video, and text messages to be transmitted from citizens to PSAPs, in addition to standard voice calls.<sup>66</sup>

### ***Statewide Emergency Communications Plan***

The Division of Telecommunications (Division) within the Department of Management Services (DMS) is responsible for developing, maintaining, and implementing a statewide emergency communications plan. The plan must include:

- The public agency<sup>67</sup> emergency communications requirements for each entity of local government in the state.
- A system to meet specific local government requirements. Such system must include law enforcement, firefighting, and emergency medical services and may include other emergency services such as poison control, suicide prevention, and emergency management services.
- Identification of the mutual aid agreements necessary to obtain an effective emergency communications system.
- A funding provision that identifies the cost necessary to implement the emergency communications system.<sup>68</sup>

The Division is responsible for the implementation and coordination of the plan and must adopt any necessary rules and schedules related to public agencies for implementing and coordinating the plan.<sup>69</sup>

The Secretary of DMS, or his or her designee, acts as the director of the statewide emergency communications system and is authorized to coordinate the activities of the system with state, county, local, and private agencies. The director must consult, cooperate, and coordinate with local law enforcement agencies.<sup>70</sup> No emergency communications number E911 system can be established, and no present system can be expanded without prior approval of the Division.<sup>71</sup>

### ***Statewide Emergency Communications Fund***

It is the intent of the Legislature that emergency communication services be available throughout the state. The fees imposed should be expended by counties in support of this intent to the greatest extent feasible within the context of local service needs and fiscal capability.<sup>72</sup>

The Emergency Communications Board (Board)<sup>73</sup> established under s. 365.172, F.S., is responsible for establishing and administering allocation from the fund dedicated to investing in

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<sup>66</sup> Next Generation 911, National Highway Traffic Safety Administration National 911 Program, <https://www.911.gov/issues/ng911/> (last visited January 8, 2026).

<sup>67</sup> "Public agency" means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services. Section 365.171(3)(c), F.S.

<sup>68</sup> Section 365.171(4), F.S.

<sup>69</sup> *Id.*

<sup>70</sup> Section 365.171(5), F.S.

<sup>71</sup> Section 365.171(9), F.S.

<sup>72</sup> Section 365.171, F.S.

<sup>73</sup> Section 365.172, F.S.

public safety communications and technology for 911 and provide technical assistance and guidance to rural counties as needed.<sup>74</sup> Public safety funding must focus on, but is not limited to:<sup>75</sup>

- Next Generation 911.
- Emergency services IP Network (ESInet).
- Computer-Aided Dispatch.
- PSAP technology to interface with:
  - Land Mobile Radio.
  - Smart city technology data.
  - In-building coverage.
  - Emergency communications broadband networks.
  - Cybersecurity.

Each voice communications services provider collects a fee and as part of its monthly billing process, must bill the fee as specified.<sup>76</sup> The fee may not be assessed on any pay telephone in the state.

### **III. Effect of Proposed Changes:**

The bill, cited as the “Domestic Emergency and Batterers Reform and Accountability Act” amends and creates several sections of law to address domestic violence.

#### **Domestic Violence (Sections 5, 6, 7 & 8)**

The bill amends s. 741.28, F.S., to redefine domestic violence to mean any criminal offense resulting in physical injury or death of one family or household member by another family or household member, or any of the following offenses if committed by a family or household member:

- Assault.
- Aggravated assault.
- Battery.
- Aggravated battery.
- Battery by strangulation.
- Domestic battery by strangulation.
- Sexual assault.
- Sexual battery.
- Stalking.
- Aggravated stalking.
- Child abuse.
- Aggravated child abuse.
- Kidnapping.
- False imprisonment.

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<sup>74</sup> Section 365.172(5)(a), F.S.

<sup>75</sup> Section 365.172(5)(b), F.S.

<sup>76</sup> Section 365.172(8), F.S.

- Violation of an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking.
- Criminal mischief, committed with the intent to intimidate, threaten, or harass, or as a means of coercive control.
- Installation or use of tracking devices or tracking applications.
- Sexual cyberharassment.
- Cyberstalking.
- Offenses against users of computers, computer systems, computer networks, and electronic devices.
- Cruelty or threat of cruelty to a family pet committed with the intent to intimidate, threaten, or harass, or as a means of coercive control.

The bill defines “coercive control” as a knowing pattern or course of conduct by a person against a family or household member that, in purpose or effect, unreasonably interferes with the free will, personal liberty, autonomy, economic security, or psychological safety of that person, whether or not physical force is used, and that is used to establish, maintain, or enforce power, domination, or dependency within the relationship.

The bill also defines “electronic monitoring” under this section as tracking the location of a person through the use of technology that is capable of determining or identifying the monitored person’s presence or absence at a particular location, including but not limited to:

- Radio frequency signaling technology that detects whether the monitored person is or is not at an approved location and notifies the monitoring agency of the time that the monitored person either leaves the approved location or tampers with or removes the monitoring device; or
- Active or passive GPS technology that detects the location of the monitored person and notifies the monitoring agency of the person’s location, and which may also be capable of notifying a victim or protected party if the monitored person enters within the restricted distance of a victim or protected party or within the restricted distance of a designated location.

The bill amends s. 741.281, F.S., to allow the court to order electronic monitoring supervision to a defendant who is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence. Further, a court is required to order electronic monitoring as a condition of probation in the following situations:

- The court finds there is clear and convincing evidence that the defendant poses a continuing threat to the victim;
- The defendant has previously violated an injunction for protection against domestic violence, dating violence, repeat violence, sexual violence, or stalking; or
- During a lethality assessment, if performed, there is evidence of strangulation or other indications that warrant a higher level of concern for the well-being of the petitioner.

The bill creates s. 741.2801, F.S., to provide penalty enhancements to acts of domestic violence. A defendant who committed a charged offense that constitutes an act of domestic violence may receive an enhanced penalty. The enhancement is as follows:

- A second degree misdemeanor may be punished as if it were a first degree misdemeanor.

- A first degree misdemeanor may be punished as if it were a third degree felony.
- A third degree felony may be punished as if it were a second degree felony.
- A second degree felony may be punished as if it were a first degree felony.
- A first degree felony may be punished as if it were a life felony.

The bill creates s. 741.282, F.S., to allow a state attorney to enter into a written agreement with a person to participate in a domestic violence deferred sentencing program. A person is eligible to participate if the person is charged with a misdemeanor offense of domestic violence and the person is a first-time domestic violence offender. The written deferred sentencing agreement must include all of the following conditions which must be accepted:

- The person must enter a plea of guilty or nolo contendere.
- The person agrees to attend and participate in a domestic violence deferred sentencing program.
- The person knowingly signs a waiver of his or her right to a speedy trial for the period of his or her participation in the deferred sentencing program.
- All terms necessary for successful completion of the deferred sentencing program.

Participants must:

- Appear before the court within 45 days after entering the program to determine the person's compliance with the conditions and requirements of the written agreement. The court is authorized to additional hearings to monitor the defendant's progress.
- Complete the program within one year after the person enters the program.
- Complete a batterers' intervention program within nine months after the person enters the program.
- Participate in clinical assessment conducted by a qualified professional to determine if the person has mental health or substance use issues.
  - If the person is determined to have mental health or substance use issues, the qualified professional must provide a treatment plan for the person and must provide weekly treatment progress reports to the court.
  - At the end of the program, the qualified professional must certify to the court that the person has complied with all requirements of the treatment plan.

The bill requires the state attorney to allow a defendant to withdraw his or her plea and enter a nolle prosse upon successful completion of the program. If the state attorney finds the person has violated the program or did not successfully complete the program, the state attorney must notify the court and the court must set the case for sentencing.

The bill requires data relating to domestic violence offenses to be collected pursuant to s. 900.05, F.S., and allows for the state attorney to retain information relating to the defendant's participation in the deferred sentencing program.

The bill creates s. 741.285, F.S., to reclassify an offense of domestic violence if such offense occurs during a declared state of emergency and the offense occurred within the affected area of such emergency, and there is in effect a curfew, evacuation order, or the ingress and egress to the affected area is controlled. The reclassification is as follows:

- A second degree misdemeanor is reclassified to a first degree misdemeanor.

- A first degree misdemeanor is reclassified to a third degree felony.
- A third degree felony is reclassified to a second degree felony.
- A second degree felony is reclassified to a first degree felony.
- A first degree felony is reclassified to a life felony.

### ***Investigations (Section 9 & 12)***

The bill amends ss. 741.29, and 784.046, F.S., respectively, to require the form which notifies victims of the legal rights and remedies available to include information on text-to-911 services and whether text-to-911 services are available in the victim's jurisdiction. The law enforcement officer must also provide the victim with a pamphlet which describes the short-term and long-term effects of strangulation and the importance of seeking medical treatment if the victim was strangled.

### ***Injunctions & Relocation Assistance (Sections 10, 11, 12, 13 & 14)***

The bill amends s. 741.30, F.S., relating to domestic violence to incorporate the new definition for domestic violence. Additionally, the Domestic and Repeat Violence Injunction Statewide Verification System is amended to include dating violence injunctions and sexual violence injunctions.

The bill adds the use of a family pet as means of coercive control to the list of actions a respondent has engaged in which may be noted on a petition for an injunction. The bill specifies a family pet includes a service animal and an emotional support animal.

The bill amends ss. 741.31, and 784.047, F.S., to reduce the number of prior convictions for a violation of an injunction before the offense is enhanced to a third degree felony from two to one. Additionally, the bill removes the requirement for subsequent violations to be committed against the same victim listed in the petition.

The bill allows the court to order a respondent in a protective injunction to electronic monitoring supervision for the duration of one year if the injunction remains in effect. The court must establish exclusion zones and include safety planning and informed consent for the petitioner.

The bill adds a question to the petitions for injunctions for protection against repeat violence, sexual violence, or dating violence to require a petitioner to declare whether the respondent has engaged in abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

The bill creates s. 784.0471, F.S., to reclassify a violation of an injunction for protection against dating violence, repeat violence, or sexual violence if such violation occurs during a declared state of emergency and the offense occurred within the affected area of such emergency, and there is in effect a curfew, evacuation order, or the ingress and egress to the affected area is controlled. The reclassification is as follows:

- A second degree misdemeanor is reclassified to a first degree misdemeanor.
- A first degree misdemeanor is reclassified to a third degree felony.
- A third degree felony is reclassified to a second degree felony.
- A second degree felony is reclassified to a first degree felony.

- A first degree felony is reclassified to a life felony.

The bill amends s. 960.198, F.S., to increase the crime victim compensation awards to a one-time payment of up to \$2,500 on any one claim and a lifetime maximum of \$5,000 to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.

### **Training on Domestic Violence, Dating Violence, and Strangulation Cases (Sections 3 & 4)**

The bill amends s. 401.27, F.S., to add criteria to rules established by the DOH relating to the education and training criteria and examinations for the certification and recertification of emergency medical technicians and paramedics. The bill requires the DOH to approve a training program for emergency medical technicians and paramedics relating to domestic violence, dating violence, and strangulation.

Additionally, the bill requires an applicant for certification or recertification as an emergency medical technician or paramedic to have completed an approved training program relating to domestic violence, dating violence, and strangulation. Training is required in the following manner:

- Beginning December 1, 2026, emergency medical technicians and paramedics seeking initial certification must complete a minimum of two hours of training in handling domestic violence, dating violence, and strangulation cases.
- Emergency medical technicians and paramedics certified before December 1, 2026, must complete a minimum of two hours of training in handling domestic violence, dating violence, and strangulation cases during the refresher training program.

Such training is required biennially for renewal certification for paramedics as part of the 30 hours of continuing education units. An applicant who is trained outside of Florida, or trained in the military, must provide proof of successful completion of a training program that included instruction on the subject of domestic violence, dating violence, and strangulation.

The bill amends s. 633.408, F.S., to require the Division of State Fire Marshal within the Department of Financial Services to establish, by rule, training for career and volunteer firefighters on the subject of domestic violence, dating violence, and strangulation. Such training must be a requirement for obtaining a Firefighter Certificate of Compliance, a Volunteer Firefighter Certificate of Completion, or a Special Certificate of Compliance. Training is required in the following manner:

- Beginning December 1, 2026, career and volunteer firefighters seeking initial certification must complete a minimum of two hours of training in handling domestic violence, dating violence, and strangulation cases.
- Career and volunteer firefighters certified before December 1, 2026, must complete a minimum of two hours of training in handling domestic violence, dating violence, and strangulation cases during the continuing training program.

### **Statewide Emergency Communications Plan (Section 2)**

The bill amends s. 365.171, F.S., to require the Division of Telecommunications within the DMS to develop, maintain, and incorporate into the statewide emergency communications plan a system or process to flag addresses at which a 911 call reported to local emergency services an alleged incident of domestic violence or dating violence has occurred. The system must correspond between all emergency services, including, but not limited to, law enforcement, firefighting, emergency medical services, poison control, suicide prevention, and emergency management services. An address must remain flagged in the system for at least one year after the 911 call was placed that initiated the flag. The one year time period resets after each call relating to an allegation of domestic violence or dating violence at the same address.

Further, the bill requires each county to integrate the system or process based on the county's resources and availability. Expenditure by counties of the fee authorized and imposed under s. 365, 172, F.S., should support this intent to the greatest extent feasible within the context of local service needs and fiscal capability.

The bill takes effect on July 1, 2026.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The FDLE has indicated an indeterminate fiscal impact and suggests feasibility studies need to be conducted to meet the needs of the electronic monitoring requirement and the needs of the domestic liaison requirement. Additionally, the FDLE states a system would need to be procured for the purpose of following up on domestic violence calls and estimates five employee hires for the procurement and implementation. The FDLE provides an estimate of \$1,030,000 per year to accommodate the staffing.<sup>77</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 365.171, 401.27, 633.408, 741.28, 741.281, 741.29, 741.30, 741.31, 784.046, 784.047, 960.198, 921.0024, 943.0584, 943.171.

This bill creates the following sections of the Florida Statutes: 741.2801, 741.282, 741.285, 784.0471.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on January 20, 2026:**

This Committee Substitute:

- Modifies the definition of domestic violence and defines “coercive control.”
- Creates enhanced sentencing for offenses that constitute domestic violence.
- Creates two new sections of law to provide reclassifications for domestic violence offenses and violations of protective injunctions that occur during a state of emergency.
- Changes the pretrial diversion program to a domestic violence deferred sentencing program and requires certain data collection.
- Modifies the specified amount for victim relocation assistance.
- Changes the date for required trainings for certifications and recertifications from July 1, 2026, to December 1, 2026.

<sup>77</sup> The Florida Department of Law Enforcement, *Agency Analysis for SB 682*, (on file with the Senate Committee on Criminal Justice).

- Specifies that training for emergency medical technicians, paramedics must include two hours of instruction on domestic violence, dating violence, and strangulation.
- Removes language allowing an investigating law enforcement officer or an FDLE liaison to follow up with a victim within 24 hours after an alleged incident of domestic violence or dating violence.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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