

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 Fiscal Policy

BILL: CS/CS/SB 682

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee;
and Senators Calatayud and Berman

SUBJECT: Domestic Violence and Protective Injunctions

DATE: February 27, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Fav/CS</u>
3.	<u>Wyant</u>	<u>Siples</u>	<u>FP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 682 amends and creates several sections of law to address domestic violence.

The bill amends s. 741.28, F.S., to define “military protective order” and “electronic monitoring.”

The bill creates s. 741.2801, F.S., to provide penalty enhancements for crimes of domestic violence if the offender has a prior conviction for a crime of domestic violence.

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 and the court enters a no contact order with the victim as a condition of his or her probation. Further, the court is required to order electronic monitoring supervision under certain conditions.

The bill amends s. 741.30, F.S., to add threatening to injure or kill a family pet to the list of actions a respondent has engaged in which may be noted on a petition for a domestic violence injunction. The court is required to evaluate, if relevant, and consider these threats when 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 is also required to evaluate and consider whether there is a verifiable military protective order.

The bill amends s. 741.30, F.S., to include dating violence injunctions and sexual violence injunctions in the Domestic and Repeat Violence Injunction Statewide Verification System.

The bill amends s. 741.31, F.S., and s. 784.047, F.S., to allow the court to order a respondent who violates a protective injunction to electronic monitoring supervision for the duration of the injunction, regardless of whether there is criminal prosecution for the violation. 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.

The bill requires that when a law enforcement officer has probable cause to believe that a person violated a domestic violence injunction and a military protective order entered into the National Crime Information Center (NCIC) against the same person, the officer or his or her agency must notify the law enforcement agency that entered the military protective order into NCIC.

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.

The bill has a significant negative fiscal impact to the state and a positive prison bed impact to the Department of Corrections. 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.¹

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

- 17,980 were spousal;³
- 6,957 were co-habitants;⁴ and

¹ Section 741.28(2), F.S.

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

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

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

- 4,983 were other.⁵

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.⁶

Sentencing for Domestic Violence Crimes

If a person is 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:

- 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.⁷

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:

- 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.⁸

The court is not prevented from sentencing the person to probation, community control, or an additional period of incarceration.⁹

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.¹⁰

Causes of Action for Protective Injunctions

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.

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

⁶ 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).

⁷ Section 741.283(1)(a), F.S.

⁸ Section 741.283(1)(b), F.S.

⁹ Section 741.283(2), F.S.

¹⁰ Section 741.281, F.S.

Domestic Violence

Any person¹¹ 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.¹²

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:

- 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.¹³

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,¹⁴ an injunction for protection in cases of dating violence,¹⁵ and an injunction for protection in cases of sexual violence.^{16, 17} However, this

¹¹ 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.

¹² Section 741.30(1)(a), F.S.

¹³ Section 741.30(6)(b), F.S.

¹⁴ "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.

¹⁵ "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.

¹⁶ "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.

¹⁷ Section 784.046(2), F.S.

section is limited dependent on the nature of the relationship or the act of repeated or sexual violence.¹⁸

Dating violence is determined by the existence of a relationship based on consideration of the following factors:

- A dating relationship must have existed within the past six months;
- 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.¹⁹

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.²⁰

Sexual Violence and Repeat Violence

Sexual violence includes an incident of a specified sexual offense²¹ 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:

- 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

¹⁸ “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.

¹⁹ Section 784.046(1)(d)1-3., F.S.

²⁰ Section 784.046(2)(b), F.S.

²¹ 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.

respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.²²

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.²³

Procedure for Filing Injunctions

A cause of action does not require that the petitioner be represented by an attorney.^{24, 25} The clerk of the court may not assess a fee for filing a petition^{26, 27} and no bond will be required by the court for entry of an injunction.^{28, 29} 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.^{30, 31}

The clerk of the court must provide a copy of the section,³² simplified forms, and clerical assistance to a victim of dating violence, sexual violence, or repeat violence who is not represented by counsel.³³

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.^{34, 35}

Injunction Statewide Verification Systems

The FDLE implements and maintains a Domestic and Repeat Violence Injunction Statewide Verification System. The system electronically transmits information relating to domestic violence injunctions and repeat violence injunctions to and between criminal justice agencies.³⁶ 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

²² Section 784.046(2)(c), F.S.

²³ Section 784.046(2)(a), F.S.

²⁴ Section 741.30(1)(f), F.S.

²⁵ Section 784.046(2)(e), F.S.

²⁶ Section 741.30(2)(a), F.S.

²⁷ Section 784.046(3)(b), F.S.

²⁸ Section 741.30(2)(b), F.S.

²⁹ Section 784.046(3)(c), F.S.

³⁰ Section 741.30(2)(c)5., F.S.

³¹ Section 784.046(3)(d), F.S.

³² 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.

³³ Section 784.046(3)(a), F.S.

³⁴ Section 784.046(2)(d), F.S.

³⁵ Section 741.30(1)(b), F.S.

³⁶ Section 741.30(8)(b), F.S.

injunction available to other law enforcement agencies by electronically transmitting such information to the department.³⁷

Violation of an Injunction for Protection

A person commits a first degree misdemeanor if he or she willfully violates an injunction for protection by:^{38, 39}

- 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.
- 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.^{40, 41}

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.⁴² 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.⁴³

Relocation Assistance for Victims of Domestic Violence

The Department of Legal Affairs (DLA) 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

³⁷ Section 741.30(8)(c)3., F.S.

³⁸ Section 741.31(4)(a), F.S.

³⁹ Section 784.047(1), F.S.

⁴⁰ Section 741.31(4)(c), F.S.

⁴¹ Section 784.047(2), F.S.

⁴² Section 741.31(5), F.S.

⁴³ Section 741.31(4)(b), F.S.

immediate assistance to escape from a domestic violence environment.⁴⁴ In order for such award to be granted:

- There must be proof that a domestic violence offense was committed;
- The domestic violence offense must be reported to the proper authorities;
- 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.⁴⁵

III. Effect of Proposed Changes:

Section 1 amends s. 741.28, F.S., to define "electronic monitoring" 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.

"Military protective order" is defined as a protective order issued in accordance with 1 U.S.C. s. 1567 by a commanding officer in the Armed Forces of the United States or the National Guard of any state against a person under such officer's command.

Section 2 creates s. 741.2801, F.S., to provide penalty enhancements to acts of domestic violence if a person has a prior conviction for a crime of domestic violence and commits a second or subsequent offense. Any penalty enhancement affects the applicable statutory maximum penalty only. 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 term "conviction" is defined as a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

⁴⁴ Section 960.198(1), F.S.

⁴⁵ Section 960.198(2), F.S.

Section 3 amends s. 741.281, F.S., to allow the court to order electronic monitoring supervision as a condition of probation for a defendant who is found guilty of, has adjudication withheld on, or pleads nolo contendere to, a crime of domestic violence when the court enters a contact order with the victim as a condition of probation. Further, a court is required to order electronic monitoring supervision as a condition of probation if there is clear and convincing evidence that the defendant poses a threat of violence or physical harm to the victim or the defendant has previously been convicted for violating an injunction for protection.

Section 4 amends s. 741.30, F.S., to add the threat to injure or kill a family pet, including a service animal or an emotional support animal, to the list of actions a respondent has engaged in which may be noted on a petition for an injunction. A court is required to consider and evaluate this factor, if relevant, when determining whether a petitioner has reasonable cause to believe he or she is in imminent danger in becoming a victim of domestic violence. A court must also consider and evaluate, if relevant, the existence of a verifiable military protective order.

The Domestic and Repeat Violence Injunction Statewide Verification System is amended to include dating violence injunctions and sexual violence injunctions.

Section 5 and 6 amend s. 741.31, F.S., and s. 784.047, F.S., to authorize the court to order electronic monitoring supervision for a respondent to an injunction for protection against domestic violence, repeat violence, sexual violence or dating violence for the duration of the injunction if the respondent willfully violates the injunction. The court may order electronic monitoring supervision even if the violation of the injunction for protection is not criminally prosecuted. If electronic monitoring is ordered, the court must establish exclusion zones and include safety planning and informed consent for the petitioner. The respondent is required to pay for the electronic monitoring services.

The bill requires that a law enforcement officer who has probable cause to believe that a person violated a domestic violence injunction and a military protective order entered into the National Crime Information Center (NCIC) against the same person, the officer or his or her agency must notify the law enforcement agency that entered the military protective order into NCIC.

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 Art. 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:

SB 682 is expected to have a significant negative fiscal impact to state expenditures.

The bill may have a significant fiscal impact to the Department of Corrections due to the expansion of the use of electronic monitoring supervision. The cost is indeterminate because it is unknown how many additional people would qualify for electronic monitoring. The bill requires a person placed on electronic monitoring for a violation of a protective injunction to pay for the cost of the electronic monitoring services; however, these funds will be deposited into the General Revenue Fund.⁴⁶

The bill will have a positive indeterminate impact on prison beds. The Legislature's Office of Economic and Demographics Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have a positive indeterminate prison bed impact on the Department of Corrections (DOC), meaning that the bill may increase the number of individuals admitted to prison. The EDR provides the following additional information regarding its estimate:

Per DOC, in FY 24-25, there were 9 new commitments to prison for a violation of an injunction against domestic violence and two new commitments for a violation of an injunction against dating violence, repeat violence, or sexual violence. Per DOC, in FY 24-25, there were 4,416 technical violators sentenced to prison. It is not known how many additional offenders there would be with the inclusion of electronic

⁴⁶ Section 948.09(2), F.S.

monitoring in the new language. Finally, data is not available for the number of domestic violence offenders committed to prison.⁴⁷

The bill amends s. 960.198, F.S., to increase the amount that DLA may award for victims of domestic violence who may need immediate assistance to escape from a domestic violence environment. The DLA estimates a \$3.5 million fiscal impact to the Crimes Compensation Trust Fund due to the expansion of the definition of domestic violence and the increase in the compensation awards under s. 960.198, F.S. In addition, the DLA requests five claims analysts and one program administrator, at a cost of \$273,158, to address the additional workload associated with processing benefits claims.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 741.28, 741.281, 741.30, 741.31, 784.047, and 960.198.

This bill creates section 741.2801 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on Criminal and Civil Justice on February 18, 2026:

This Committee Substitute:

- Removes the title “Domestic Emergency and Batters Reform and Accountability Act.”
- Removes the section relating to the Statewide Emergency Communications Plan.
- Removes the section relating to training for emergency medical technicians and paramedics.
- Removes the section relating to training for firefighters and volunteer firefighters.
- Removes the section relating to the domestic violence deferred sentencing program.
- Removes sections relating to enhanced penalties during an active state of emergency.
- Removes the definition of coercive control and reverts the definition of domestic violence to current law.

⁴⁷ Office of Economic and Demographic Research, *CS/HB 277 – Domestic Violence and Protective Injunctions*.

- Provides a definition for a military protective order and provides notification requirements for a law enforcement officer or agency when a military protective order has been violated.
- Provides that sentencing enhancements for domestic violence require a prior conviction.
- Changes when a court is permitted and required to order electronic monitoring supervision.
- Allows the court to order electronic monitoring supervision for the duration of the injunction, if there is a violation.
- Reverts to current law the number of prior violations required for a violation of an injunction to be considered a third degree felony and the provision that the violation of the injunction does not need to be committed against the same victim.

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.
- 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.