

FLORIDA CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Florida, there are 4 types of civil protection orders:

- Repeat Dating, or Sexual Violence Orders** are available for individuals seeking protection from: (1) a dating partner; (2) any individual who committed sexual violence against them; or (3) any person who has committed two or more incidents of violence or stalking against them (Fla. Stat. 784.046-784.047).
- Domestic Violence Orders** are available for individuals seeking protection from domestic violence committed by a family or household member (Fla. Stat. 784.046-784.047).
- Stalking Orders** are available for individuals seeking protection from stalking, including cyberstalking (Fla. Stat. 784.046-784.047).
- Exploitation of Elderly or Disabled Adults Orders** are available for adults over 65 or an adult with a physical or intellectual disability that impairs daily living who is experiencing abuse or exploitation by any individual (Fla. Stat. 784.046-784.047).

REPEAT DATING, OR SEXUAL VIOLENCE ORDER

Who can apply?

1. Any person who is the victim of repeat violence, which is defined as two incidents of **violence** or stalking, one of which must have been within 6 months of filing of the petition, directed against petitioner or petitioner's immediate family member.
Fla. Stat. 784.046(1)(b), (2)(a).

2. Any person who is the victim of **dating violence** and is in imminent danger of another act or anyone who reasonably believes they are in imminent danger of becoming the victim of an act of dating violence.
Fla. Stat. 784.046(2)(b).

3. Any person who is the victim of **sexual violence** if:

- The person has reported the sexual violence to a law enforcement agency and is cooperating regardless of outcome; or
- Respondent was imprisoned for sexual violence against the petitioner and is due to be released within 90 days.

Violence is defined as:

- Assault or aggravated assault;
- Battery or aggravated battery;
- Sexual assault or battery;
- Stalking or aggravated stalking;
- Kidnapping or false imprisonment;
- Any criminal offense resulting in physical injury or death.

Fla. Stat. 784.046(1)(a).

Sexual violence is defined as:

- Sexual battery;
- Lewd or lascivious act committed on or in the presence of a person under age 16;

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REPEAT DATING, OR SEXUAL VIOLENCE ORDER

<p>Who can apply?</p>	<ul style="list-style-type: none"> • Luring or enticing a child; • Sexual performance by a child; or • Any other forcible felony wherein a sexual act is committed or attempted. <p><i>Fla. Stat. 784.046(1)(c)</i></p> <p>Dating violence is defined as: Violence committed between individuals in a continuing and significant relationship of a romantic or intimate nature. See “Who can be restrained?” for factors. <i>Fla. Stat. 784.046(1)(d).</i></p>
<p>Can minors apply?</p>	<p>Yes. But a parent or guardian may also file a petition on behalf of a minor who is living at home. <i>Fla. Stat. 784.046(2)(a)-(c).</i></p> <p>In order to petition for a protective injunction, the parent or legal guardian must:</p> <ol style="list-style-type: none"> 1. Have been an eyewitness to, or have direct physical evidence or affidavits from eyewitnesses of, the specific facts and circumstances constituting the alleged violence, if the respondent is also a parent, stepparent, or legal guardian of the minor; or 2. Have reasonable cause to believe that the minor child is a victim of repeat violence, sexual violence, or dating violence, if the respondent is not the minor’s parent, stepparent, or legal guardian. <p><i>Fla. Stat. 784.046(4)(a).</i></p>
<p>Who can be restrained?</p>	<p>Anyone regardless of age or relationship to the petitioner, and regardless of whether the respondent is currently imprisoned. <i>See generally Fla. Stat. 784.046.</i></p> <p style="text-align: right;"><i>continued on next page</i></p>



REPEAT DATING, OR SEXUAL VIOLENCE ORDER

<p>Who can be restrained?</p>	<p>A court should consider the following factors to determine whether petitioner and respondent were in a dating relationship:</p> <ul style="list-style-type: none"> • Dating relationship existing within the past 6 months; • Expectation of affection or sexual involvement between the parties; and • Frequency and type of interaction continuously over time.
<p>What types of relief may a court order?</p>	<p>Temporary Injunction: If the judge believes there is an immediate and present danger of violence, the judge may grant a temporary injunction ex parte including any relief the judge deems proper, including an injunction prohibiting the respondent from committing any acts of violence. <i>Fla. Stat. 784.046(6)(a).</i></p> <p>Permanent Injunction: The judge may enter an injunction:</p> <ul style="list-style-type: none"> • Prohibiting further acts of violence; • Directing the respondent to leave the petitioner’s household; • Preventing the respondent from entering the petitioner’s residence, school, business, or place of employment; and • Other relief as the court deems necessary to protect the petitioner, including injunctions or directives to law enforcement agencies. <p><i>Fla. Stat. 784.046(7), (11)(b).</i></p>
<p>How long does the order last?</p>	<p>Temporary Injunction: Up to 15 days unless extended by the judge as necessary while the parties wait for a full hearing on the petition. <i>Fla. Stat. 784.046(6)(c).</i></p> <p>Permanent Injunction: Indefinitely unless otherwise specified or until modified or dissolved by the judge. <i>Fla. Stat. 784.046(7)(c).</i></p>



REPEAT DATING, OR SEXUAL VIOLENCE ORDER

<p>Can the order be renewed?</p>	<p>Typically not applicable as final orders last indefinitely.</p>
<p>Is a hearing with the respondent required?</p>	<p>Yes. A permanent injunction may be granted only after notice to the respondent and a full hearing. <i>Fla. Stat. 784.046(7).</i></p> <p>While an ex parte temporary injunction may be granted without a hearing, a full hearing must be held within 15 days after the temporary injunction is entered, unless the petitioner or the respondent shows good cause why the ex parte injunction should stay in effect more than 15 days and why a full hearing should be continued. <i>Fla. Stat. 784.046(6)(c).</i></p>



DOMESTIC VIOLENCE ORDER

<p>Who can apply?</p>	<p>Any family or household member of the respondent who is, or who reasonably believes he or she is in imminent danger of becoming, the victim of domestic violence at the hands of the respondent. <i>Fla. Stat. 741.30(1)(a).</i></p> <p>Domestic violence is defined as any of the following committed by a family or household member:</p> <ul style="list-style-type: none"> • Assault or aggravated assault; • Battery or aggravated battery; • Sexual assault or battery; • Stalking or aggravated stalking; • Kidnapping or false imprisonment; or • Any criminal offense resulting in physical injury or death. <p><i>Fla. Stat. 741.28(2).</i></p> <p>See “Who can be Restrained?” for the definition of family or household member.</p>
<p>Can minors apply?</p>	<p>No, a minor must have a parent, custodian, or legal guardian sign the petition with them.</p>
<p>Who can be restrained?</p>	<p>Anyone who is a family or household member of the petitioner, regardless of age. <i>Fla. Stat. 741.30(1)(e).</i></p> <p>Family or household member is defined as:</p> <ul style="list-style-type: none"> • Spouses or former spouses; • Persons related by blood or marriage; <p style="text-align: right;"><i>continued on next page</i></p>



DOMESTIC VIOLENCE ORDER

<p>Who can be restrained?</p>	<ul style="list-style-type: none"> • Persons who presently reside, or previously resided, together as if a family; and • Those with a child in common. <p>Except for persons who have a child in common, the family or household members must currently reside together, or have previously resided together, in the same single dwelling unit. <i>Fla. Stat. 741.28(3).</i></p>
<p>What types of relief may a court order?</p>	<p>Temporary Injunction: If the judge believes there is an immediate and present danger of domestic violence, the judge may grant a temporary injunction ex parte. A temporary injunction against domestic violence may:</p> <ul style="list-style-type: none"> • Restrain the respondent from committing any acts of domestic violence; • Award petitioner exclusive use of a shared residence or prohibit respondent from entering petitioner’s residence; • Provide for a temporary parenting plan including custody; and • Award petitioner temporary possession and control of a household animal and prohibit the respondent from having any contact with the animal. <p><i>Fla. Stat. 741.30(5)(a).</i></p> <p>Permanent Injunction: A final permanent injunction may include any of the above provisions and:</p> <ul style="list-style-type: none"> • Establish temporary child support for the petitioner’s minor child or children; • Order the respondent participate in treatment, intervention, or counseling services to be paid for by the respondent; • Refer the petitioner to a certified domestic violence center; and <p style="text-align: right;"><i>continued on next page</i></p>



DOMESTIC VIOLENCE ORDER

<p>What types of relief may a court order?</p>	<ul style="list-style-type: none"> Order such other relief as the judge deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies. <i>Fla. Stat. 741.30(6)(a).</i> <p>A permanent injunction must also indicate that it is a crime for the respondent to have in his or her care, custody, possession, or control any firearm or ammunition. <i>Fla. Stat. 741.30(6)(g).</i></p>
<p>How long does the order last?</p>	<p>Temporary Injunction: Up to 15 days unless extended by the judge as necessary while the parties wait for a full hearing on the petition. <i>Fla. Stat. 741.30(5)(c).</i></p> <p>Permanent Injunction: Indefinitely until modified or dissolved by the judge. <i>Fla. Stat. 741.30(6)(c).</i></p> <p>If a temporary parenting plan is entered as part of the injunction, the temporary parenting plan remains in effect until the injunction expires or an order is entered by a judge that affects the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child. <i>Fla. Stat. 741.30(5)(a)(3), (6)(a)(3).</i></p>
<p>Can the order be renewed?</p>	<p>Typically not applicable as final orders last indefinitely.</p>

DOMESTIC VIOLENCE ORDER

Is a hearing with the respondent required?

Yes. A permanent injunction may be granted only after notice to the respondent and a full hearing.

Fla. Stat. 741.30(6)(a).

While an ex parte temporary injunction may be granted without a hearing, a full hearing must be held within 15 days after the temporary injunction is entered, unless the petitioner or the respondent shows good cause why the ex parte injunction should stay in effect more than 15 days and why a full hearing should be continued.

Fla. Stat. 741.30(5)(c).

STALKING ORDER

Who can apply?

Any person who is the victim of **stalking** or any other affected person.

Fla. Stat. 784.0485(1)(a), (c).

Stalking is defined as:

Willfully, maliciously, and repeatedly following, **harassing**, or **cyberstalking** another person.

Fla. Stat. 784.048(2).

Harassment is defined as:

Engaging in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.

Fla. Stat. 784.048(2).

Cyberstalking is defined as:

1. Engaging in a course of conduct to communicate, or to cause to be communicated, directly or indirectly, words, images, or language by or through the use of email or electronic communication, directed at or pertaining to a specific person; or
2. Accessing, or attempting to access, the online accounts or Internet-connected home electronic systems of another person without that person's permission—causing substantial emotional distress to that person and serving no legitimate purpose.

Fla. Stat. 784.048(1)(d).

Note: Any person who is the victim of sexual cyberharassment may also seek an injunction, as well as monetary damages, attorney's fees, and legal costs.

Fla. Stat. 784.049(5).

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STALKING ORDER

<p>Who can apply?</p>	<p>Sexual cyberharassment means: To publish on the internet or disseminate electronically a sexually explicit image of a person that contains personally identifying information of that person without their consent, contrary to their reasonable expectation of privacy, for no legitimate purpose, with the intent of causing them substantial emotional distress. <i>Fla. Stat. 784.048(2).</i></p>
<p>Can minors apply?</p>	<p>Yes. But a parent or guardian may also file a petition on behalf of a minor who is living at home. <i>Fla. Stat. 784.0485(1)(a).</i></p>
<p>Who can be restrained?</p>	<p>Anyone regardless of age or relationship to the petitioner. See generally <i>Fla. Stat. 784.0485.</i></p>
<p>What types of relief may a court order?</p>	<p>Temporary Injunction: If the judge believes that stalking has occurred, the judge may grant a temporary injunction ex parte that includes whatever the relief the judge deems proper. <i>Fla. Stat. 784.0485(5)(a).</i></p> <p>Permanent Injunction: If the judge believes the petitioner is the victim of stalking, the judge may enter an injunction:</p> <ul style="list-style-type: none"> • Prohibiting further stalking; • Ordering the respondent to participate in treatment, intervention, or counseling services; • Referring the petitioner to appropriate services (e.g., domestic violence center, rape crisis center, etc.); and <p style="text-align: right;"><i>continued on next page</i></p>



STALKING ORDER

<p>What types of relief may a court order?</p>	<ul style="list-style-type: none"> • Other relief as the court deems necessary to protect the petitioner, including injunctions or directives to law enforcement agencies. <i>Fla. Stat. 784.0485(6)(a).</i> <p>A permanent injunction must also indicate that it is a crime for the respondent to have in his or her care, custody, possession, or control any firearm or ammunition. <i>Fla. Stat. 784.0485(6)(e).</i></p>
<p>How long does the order last?</p>	<p>Temporary Injunction: Up to 15 days unless extended by the judge as necessary while the parties wait for a full hearing on the petition. <i>Fla. Stat. 784.0485(5)(c).</i></p> <p>Permanent Injunction: Indefinitely unless otherwise specified or until modified or dissolved by the judge. <i>Fla. Stat. 784.0485(6)(b).</i></p>
<p>Can the order be renewed?</p>	<p>Typically not applicable as final orders last indefinitely.</p>
<p>Is a hearing with the respondent required?</p>	<p>Yes. A permanent injunction may be granted only after notice to the respondent and a full hearing. <i>Fla. Stat. 784.0485(6)(a).</i></p> <p>While an ex parte temporary injunction may granted without a hearing, a full hearing must be held within 15 days after the temporary injunction is entered, unless the petitioner or the respondent shows good cause why the ex parte injunction should stay in effect more than 15 days and why a full hearing should be continued. <i>Fla. Stat. 784.0485(5)(c).</i></p> <p style="text-align: right;"><i>continued on next page</i></p>



EXPLOITATION OF ELDERLY OR DISABLED ADULTS ORDER

<p>Who can apply?</p>	<p>A vulnerable adult in imminent danger of being exploited; or any of the following on behalf of a vulnerable adult:</p> <ul style="list-style-type: none"> • A guardian or person who simultaneously files a petition to determine the vulnerable adult’s incapacity; • A person or organization acting with consent; or • An agent under a valid durable power of attorney with the authority specifically granted in the power of attorney. <p><i>Fla. Stat. 825.1035(2)(a).</i></p> <p>A vulnerable adult means:</p> <ol style="list-style-type: none"> 1. A person 65 years of age or older; or 2. A person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging. <p><i>Fla. Stat. 825.101(16); Fla. Stat. 415.102(28).</i></p> <p>See “Who can be Restrained?” for the definition of exploitation of an elderly person or disabled adult (i.e., of a vulnerable adult).</p>
<p>Can minors apply?</p>	<p>No. This type of protective order is specifically for vulnerable adults.</p>
<p>Who can be restrained?</p>	<p>Anyone regardless of age or relationship who is exploiting a vulnerable adult. <i>Fla. Stat. 825.103(1).</i></p> <p style="text-align: right;"><i>continued on next page</i></p>



EXPLOITATION OF ELDERLY OR DISABLED ADULTS ORDER

<p>Who can be restrained?</p>	<p>Exploitation of an elderly person or disabled adult (i.e., of a vulnerable adult) means:</p> <ul style="list-style-type: none"> • Using or attempting to use a vulnerable adults assets or property with the intent to deprive them or benefit another when in a position of trust, business relationship, or when the person knows or should know the vulnerable adult cannot consent; • Breach of a fiduciary duty by a guardian, trustee, or agent resulting in unauthorized appropriation, sale, transfer of property, kickback, or receipt of an improper benefit; • Misusing or transferring without authorization money belonging to a vulnerable adult; • Intentionally or negligently failing to effectively use an elderly person’s or disabled adult’s income and assets for the necessities required for that person’s support; or • Knowingly using or obtaining funds belonging to a vulnerable adult by modifying or fraudulently creating a will, trust or other testamentary devise without authorization from a court order, the vulnerable adult, or an agent with power of attorney. <p><i>Fla. Stat. 825.101(6); Fla. Stat. 825.103(1).</i></p>
<p>What types of relief may a court order?</p>	<p>Temporary Injunction: If the judge believes there is an immediate and present danger of the exploitation of the vulnerable adult, the judge may grant a temporary injunction ex parte. The temporary injunction may:</p> <ul style="list-style-type: none"> • Restrain the respondent from exploiting the vulnerable adult; • Award to the vulnerable adult the temporary exclusive use and possession of a shared dwelling, or prevent respondent from entering the residence; <p style="text-align: right;"><i>continued on next page</i></p>

EXPLOITATION OF ELDERLY OR DISABLED ADULTS ORDER

What types of relief may a court order?

- Freeze the vulnerable adults assets including deposits in a financial institution, lines of credit, etc.;
- Prohibit the respondent from having direct or indirect contact with the vulnerable adult;
- Provide directives to law enforcement agencies;
- If the court has ordered an asset and credit freeze, order that specified living expenses of the vulnerable adult continue to be paid; and
- Order any financial institution holding the vulnerable adult's assets to pay appropriate fees (taxed against respondent if a permanent injunction is granted).

Fla. Stat. 825.1035(5)(a)(2).

Permanent Injunction: If the judge believes the vulnerable adult is, or is in imminent danger of becoming, a victim of exploitation, the judge may grant an injunction with any of the terms noted above as well as:

- Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent;
- Directing that the assets under temporary freeze by injunction be returned to the vulnerable adult, or directing that those assets remain frozen until ownership can be determined; and lifting the temporary freeze on any line of credit;
- Where the judge finds that the respondent has exploited the vulnerable adult, entering a final cost judgment against the respondent and in favor of the petitioner for all taxable costs, and entering a final cost judgment against the respondent and in favor of the clerk of the circuit court for all the clerk's filing fees and service charges; and
- Ordering such other relief as the court deems necessary for the protection of a victim of exploitation, including injunctions or directives to law enforcement agencies.

Fla. Stat. 825.1035(8)(a)(2).



EXPLOITATION OF ELDERLY OR DISABLED ADULTS ORDER

<p>How long does the order last?</p>	<p>Temporary Injunction: Up to 15 days, unless good cause is shown to extend the injunction one time for up to an additional 30 days. <i>Fla. Stat. 825.1035(5)(c).</i></p> <p>Permanent Injunction: Indefinitely unless otherwise specified or until modified or dissolved by the judge. <i>Fla. Stat. 784.0485(8)(c).</i></p>
<p>Can the order be renewed?</p>	<p>Typically not applicable as final orders last indefinitely. <i>Fla. Stat. 825.1035(5)(d), (8)(a)(1).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>Yes. A permanent injunction may be granted only after notice to the respondent and a full hearing. <i>Fla. Stat. 825.1035(8)(a)(1).</i></p> <p>While an ex parte temporary injunction may be granted without a hearing, a full hearing must be held before the temporary injunction expires, i.e., typically within 15 days after the temporary injunction is entered or up to 45 days after the temporary injunction is entered if a 30-day extension of the temporary injunction is granted. <i>Fla. Stat. 825.1035(5)(d).</i></p>

HOW TO APPLY

At the courthouse, the clerk of the court must provide any pro se petitioner with a copy of the relevant Florida statutes, simplified forms, and clerical assistance in preparing and filing the petition.

Fla. Stat. 784.046(3)(a).

Template language for a petition for each type of injunction, including forms and FAQs can be found online through the Florida Courts website:

<https://www.flcourts.gov/Services/Family-Courts/domestic-relations-court-resources/family-law-forms>.

The petitioner should file the petition in the circuit court in the county where the petitioner lives, where the respondent lives, or where the conduct occurred. If the petitioner has an attorney, the petitioner must file the petition electronically. If the petitioner is pro se, the petitioner may file the petition in person at the courthouse.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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