

By the Committee on Criminal Justice; and Senators Simmons and Storms

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1                                   A bill to be entitled  
2       An act relating to stalking and aggravated stalking;  
3       amending s. 784.048, F.S.; redefining the terms  
4       "course of conduct" and "credible threat" and defining  
5       the term "immediate family"; providing that a person  
6       who makes a threat which places another person in  
7       reasonable fear for his or her safety or the safety of  
8       his or her immediate family commits the offense of  
9       aggravated stalking under certain circumstances;  
10      requiring that the sentencing court consider issuing  
11      an injunction that restrains a defendant from any  
12      contact with the victim for up to 10 years; providing  
13      legislative intent regarding the length of any such  
14      restraining order; creating s. 784.0485, F.S.;  
15      creating a civil cause of action for an injunction for  
16      protection against stalking or cyberstalking;  
17      providing that the victim of stalking or cyberstalking  
18      has standing in the circuit court to file a sworn  
19      petition for an injunction for protection against  
20      stalking or cyberstalking; prohibiting a court from  
21      issuing mutual orders of protection, but authorizing  
22      the court to issue a separate injunction for  
23      protection against stalking or cyberstalking if each  
24      party has complied with the provisions of law;  
25      providing for venue of the cause of action;  
26      prohibiting the clerk of the court from assessing a  
27      filing fee; providing an exception; providing that a  
28      petitioner is not required to post a bond; requiring  
29      the clerks of court to assist petitioners in filing

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30 petitions with the court; requiring the clerk of the  
31 court in each county to make available informational  
32 brochures; providing a sample petition for an  
33 injunction for protection against stalking or  
34 cyberstalking; authorizing the court to grant a  
35 temporary injunction ex parte, pending a full hearing,  
36 under certain circumstances; authorizing the court to  
37 grant such relief as the court deems necessary and  
38 proper; providing procedures for an ex parte  
39 injunction hearing; setting forth the relief the court  
40 may grant if it finds that the petitioner is in  
41 imminent danger of becoming a victim of stalking or  
42 cyberstalking; setting forth the criteria the court  
43 must consider at the hearing; requiring the court to  
44 allow an advocate from a state attorney's office, law  
45 enforcement agency, or certified domestic violence  
46 center to be present with the petitioner or respondent  
47 during any court proceeding; requiring the clerk of  
48 the court to furnish a copy of the petition, notice of  
49 hearing, and temporary injunction, if any, to the  
50 sheriff or a law enforcement agency of the county  
51 where the respondent resides or can be found, who  
52 shall serve it upon the respondent as soon thereafter  
53 as possible on any day of the week and at any time of  
54 the day or night; authorizing the court to order a law  
55 enforcement officer to accompany the petitioner;  
56 authorizing the court to enforce a violation of an  
57 injunction for protection against stalking or  
58 cyberstalking through a civil or criminal contempt

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59 proceeding; authorizing a state attorney to use  
60 criminal procedures for a violation of an injunction  
61 for protection; creating s. 784.0487, F.S.; providing  
62 procedures to follow when the respondent has violated  
63 the injunction for protection; providing legislative  
64 intent; providing criminal penalties; providing that a  
65 court may award a person who suffers an injury or loss  
66 as a result of a violation of an injunction for  
67 protection against stalking or cyberstalking economic  
68 damages for that injury or loss, including costs and  
69 attorney fees for enforcement of the injunction;  
70 providing an effective date.

71  
72 Be It Enacted by the Legislature of the State of Florida:

73  
74 Section 1. Section 784.048, Florida Statutes, is amended to  
75 read:

76 784.048 Stalking; definitions; penalties.—

77 (1) As used in this section, the term:

78 (a) "Harass" means to engage in a course of conduct  
79 directed at a specific person which ~~that~~ causes substantial  
80 emotional distress to that ~~in such~~ person and serves no  
81 legitimate purpose.

82 (b) "Course of conduct" means a pattern of conduct composed  
83 of a series of acts over a period of time, however short, which  
84 evidence ~~evidencing~~ a continuity of purpose. The term does not  
85 include constitutionally protected activity such as ~~is not~~  
86 ~~included within the meaning of "course of conduct."~~ Such  
87 ~~constitutionally protected activity includes~~ picketing or other

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88 organized protests.

89 (c) "Credible threat" means a verbal or nonverbal threat,  
90 including a threat delivered by electronic communication or a  
91 threat implied by a pattern of conduct, or a combination of the  
92 two, which places the person who is the target of the threat in  
93 reasonable fear for his or her safety or the safety of his or  
94 her immediate family or household member, as defined in s.  
95 741.28, and which is made with the apparent ability to carry out  
96 the threat to cause such harm. It is not necessary to prove that  
97 the person making the threat had the intent to actually carry  
98 out the threat. The present incarceration of the person making  
99 the threat is not a bar to prosecution under this section ~~made~~  
100 ~~with the intent to cause the person who is the target of the~~  
101 ~~threat to reasonably fear for his or her safety. The threat must~~  
102 ~~be against the life of, or a threat to cause bodily injury to, a~~  
103 ~~person.~~

104 (d) "Cyberstalk" means to engage in a course of conduct to  
105 communicate, or to cause to be communicated, words, images, or  
106 language by or through the use of electronic mail or electronic  
107 communication, directed at a specific person, causing  
108 substantial emotional distress to that person and serving no  
109 legitimate purpose.

110 (e) "Immediate family" means a person's spouse, parent,  
111 child, grandparent, or sibling.

112 (2) A ~~Any~~ person who willfully, maliciously, and repeatedly  
113 follows, harasses, or cyberstalks another person commits the  
114 offense of stalking, a misdemeanor of the first degree,  
115 punishable as provided in s. 775.082 or s. 775.083.

116 (3) A ~~Any~~ person who willfully, maliciously, and repeatedly

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117 follows, harasses, or cyberstalks another person, and makes a  
118 credible threat to that person ~~with the intent to place that~~  
119 ~~person in reasonable fear of death or bodily injury of the~~  
120 ~~person, or the person's child, sibling, spouse, parent, or~~  
121 ~~dependent,~~ commits the offense of aggravated stalking, a felony  
122 of the third degree, punishable as provided in s. 775.082, s.  
123 775.083, or s. 775.084.

124 (4) A ~~Any~~ person who, after an injunction for protection  
125 against repeat violence, sexual violence, or dating violence  
126 pursuant to s. 784.046, or an injunction for protection against  
127 domestic violence pursuant to s. 741.30, or after any other  
128 court-imposed prohibition of conduct toward the subject person  
129 or that person's property, knowingly, willfully, maliciously,  
130 and repeatedly follows, harasses, or cyberstalks another person  
131 commits the offense of aggravated stalking, a felony of the  
132 third degree, punishable as provided in s. 775.082, s. 775.083,  
133 or s. 775.084.

134 (5) A ~~Any~~ person who willfully, maliciously, and repeatedly  
135 follows, harasses, or cyberstalks a child ~~minor~~ under 16 years  
136 of age commits the offense of aggravated stalking, a felony of  
137 the third degree, punishable as provided in s. 775.082, s.  
138 775.083, or s. 775.084.

139 (6) A ~~Any~~ law enforcement officer may arrest, without a  
140 warrant, any person that he or she has probable cause to believe  
141 has violated ~~the provisions of~~ this section.

142 (7) A ~~Any~~ person who, after having been sentenced for a  
143 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and  
144 prohibited from contacting the victim of the offense under s.  
145 921.244, willfully, maliciously, and repeatedly follows,

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146 harasses, or cyberstalks the victim commits the offense of  
147 aggravated stalking, a felony of the third degree, punishable as  
148 provided in s. 775.082, s. 775.083, or s. 775.084.

149 (8) The punishment imposed under this section shall run  
150 consecutive to any former sentence imposed for a conviction for  
151 any offense under s. 794.011, s. 800.04, or s. 847.0135(5).

152 (9) (a) The sentencing court shall consider, as a part of  
153 any sentence, issuing an injunction restraining the defendant  
154 from any contact with the victim, which may be valid for up to  
155 10 years, as determined by the court. It is the intent of the  
156 Legislature that the length of any such restraining order be  
157 based upon the seriousness of the facts before the court, the  
158 probability of future violations by the perpetrator, and the  
159 safety of the victim and his or her immediate family.

160 (b) The injunction may be issued by the court even if the  
161 defendant is sentenced to a state prison or a county jail or  
162 even if the imposition of the sentence is suspended and the  
163 defendant is placed on probation.

164 Section 2. Section 784.0485, Florida Statutes, is created  
165 to read:

166 784.0485 Stalking or cyberstalking; injunction; powers and  
167 duties of court and clerk; petition; notice and hearing;  
168 temporary injunction; issuance of injunction; statewide  
169 verification system; enforcement.—

170 (1) There is created a cause of action for an injunction  
171 for protection against stalking or cyberstalking.

172 (a) A person who is the victim of stalking or cyberstalking  
173 has standing in the circuit court to file a sworn petition for  
174 an injunction for protection against stalking or cyberstalking.

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175 (b) The cause of action for an injunction for protection  
176 may be sought regardless of whether any other cause of action is  
177 currently pending between the parties. However, the pendency of  
178 any such cause of action shall be alleged in the petition.

179 (c) The cause of action for an injunction may be sought by  
180 any affected person.

181 (d) The cause of action for an injunction does not require  
182 either party to be represented by an attorney.

183 (e) The court may not issue mutual orders of protection;  
184 however, the court is not precluded from issuing separate  
185 injunctions for protection against stalking or cyberstalking if  
186 each party has complied with this section. Compliance with this  
187 section may not be waived.

188 (f) Notwithstanding chapter 47, a petition for an  
189 injunction for protection against stalking or cyberstalking may  
190 be filed in the circuit where the petitioner currently or  
191 temporarily resides, where the respondent resides, or where the  
192 stalking or cyberstalking occurred. There is no minimum  
193 requirement of residency to petition for an injunction for  
194 protection.

195 (2) (a) Notwithstanding any other law, the clerk of court  
196 may not assess a filing fee to file a petition for protection  
197 against stalking or cyberstalking. However, subject to  
198 legislative appropriation, the clerk of the circuit court may,  
199 on a quarterly basis, submit to the Office of the State Courts  
200 Administrator a certified request for reimbursement for  
201 petitions for protection against stalking or cyberstalking  
202 issued by the court, at the rate of \$40 per petition. The  
203 request for reimbursement shall be submitted in the form and

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204 manner prescribed by the Office of the State Courts  
205 Administrator. From this reimbursement, the clerk shall pay any  
206 law enforcement agency serving the injunction the fee requested  
207 by the law enforcement agency; however, this fee may not exceed  
208 \$20.

209 (b) A bond is not required by the court for the entry of an  
210 injunction.

211 (c)1. The clerk of the court shall assist petitioners in  
212 seeking both injunctions for protection against stalking and  
213 enforcement of a violation thereof as specified in this section.

214 2. All offices of the clerk of the court shall provide  
215 simplified petition forms for the injunction and any  
216 modifications to and the enforcement thereof, including  
217 instructions for completion.

218 3. The clerk of the court shall ensure the petitioner's  
219 privacy to the extent practicable while completing the forms for  
220 an injunction for protection against stalking or cyberstalking.

221 4. The clerk of the court shall provide a petitioner with a  
222 minimum of two certified copies of the order of injunction, one  
223 of which is serviceable and will inform the petitioner of the  
224 process for service and enforcement.

225 5. The clerk of the court and appropriate staff in each  
226 county shall receive training in the effective assistance of  
227 petitioners as provided or approved by the Florida Association  
228 of Court Clerks.

229 6. The clerk of the court in each county shall make  
230 available informational brochures on stalking when such a  
231 brochure is provided by the local certified domestic violence  
232 center.

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233       7. The clerk of the court in each county shall distribute a  
 234 statewide uniform informational brochure to petitioners at the  
 235 time of filing for an injunction for protection against stalking  
 236 or cyberstalking when such brochures become available. The  
 237 brochure must include information about the effect of giving the  
 238 court false information.

239       (3) (a) The sworn petition shall allege the existence of  
 240 such stalking or cyberstalking and shall include the specific  
 241 facts and circumstances for which relief is sought.

242       (b) The sworn petition shall be in substantially the  
 243 following form:

244  
 245       PETITION FOR INJUNCTION FOR PROTECTION AGAINST STALKING

246  
 247       Before me, the undersigned authority, personally appeared  
 248 Petitioner....(Name)...., who has been sworn and says that  
 249 the following statements are true:

250  
 251       1. Petitioner resides at:....(address)....

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

256       2. Respondent resides at:....(last known address)....

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

259       4. Physical description of respondent:....

260       5. Race....

261       6. Sex....

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- 262       7. Date of birth....  
263       8. Height....  
264       9. Weight....  
265       10. Eye color....  
266       11. Hair color....  
267       12. Distinguishing marks or scars....  
268       13. Aliases of respondent:....

269

270       (c) The petitioner shall describe any other cause of action  
271 currently pending between the petitioner and respondent. The  
272 petitioner shall also describe any previous attempt by the  
273 petitioner to obtain an injunction for protection against  
274 stalking or cyberstalking in this or any other circuit, and the  
275 result of that attempt. (Case numbers should be included, if  
276 available.)

277       (d) The petition must provide space for the petitioner to  
278 specifically allege that he or she is a victim of stalking or  
279 cyberstalking because respondent has:

280

281 (Mark all sections that apply and describe in the spaces below  
282 the incidents of stalking or cyberstalking specifying when and  
283 where they occurred, including, but not limited to, locations  
284 such as a home, school, or place of employment.)

285

286       .... Committed or threatened to commit stalking.

287       .... Previously threatened, harassed, stalked,

288 cyberstalked, or physically abused the petitioner.

289       .... Threatened to harm the petitioner or family members or

290 individuals closely associated with the petitioner.

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291 .... Intentionally injured or killed a family pet.  
 292 .... Used, or has threatened to use, against the petitioner  
 293 any weapons such as guns or knives.

294 .... A criminal history involving violence or the threat of  
 295 violence (if known).

296 .... Another order of protection issued against him or her  
 297 previously or from another jurisdiction, if known.

298 .... Destroyed personal property, including, but not  
 299 limited to, telephones or other communication equipment,  
 300 clothing, or other items belonging to the petitioner.

301 (e) The petitioner seeks an injunction: (Mark appropriate  
 302 section or sections.)

303 .... Immediately restraining the respondent from committing  
 304 any acts of stalking or cyberstalking.

305 .... Restraining the respondent from committing any acts of  
 306 stalking or cyberstalking.

307 .... Providing any terms the court deems necessary for the  
 308 protection of a victim of stalking or cyberstalking, including  
 309 any injunctions or directives to law enforcement agencies.

310 (f) Every petition for an injunction against stalking or  
 311 cyberstalking must contain, directly above the signature line, a  
 312 statement in all capital letters and bold type not smaller than  
 313 the surrounding text, as follows:

314  
 315 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND  
 316 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT  
 317 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE  
 318 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN  
 319 SECTION 837.02, FLORIDA STATUTES.

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320

321 ....(initials)....

322

323 (4) Upon the filing of the petition, the court shall set a  
324 hearing to be held at the earliest possible time. The respondent  
325 shall be personally served with a copy of the petition, notice  
326 of hearing, and temporary injunction, if any, before the  
327 hearing.

328 (5) (a) If it appears to the court that an immediate and  
329 present danger of stalking or cyberstalking exists, the court  
330 may grant a temporary injunction ex parte, pending a full  
331 hearing, and may grant such relief as the court deems proper,  
332 including an injunction restraining the respondent from  
333 committing any act of stalking or cyberstalking.

334 (b) In a hearing ex parte for the purpose of obtaining such  
335 ex parte temporary injunction, evidence other than verified  
336 pleadings or affidavits may not be used as evidence, unless the  
337 respondent appears at the hearing or has received reasonable  
338 notice of the hearing. A denial of a petition for an ex parte  
339 injunction shall be by written order noting the legal grounds  
340 for denial. If the only ground for denial is no appearance of an  
341 immediate and present danger of stalking or cyberstalking, the  
342 court shall set a full hearing on the petition for injunction  
343 with notice at the earliest possible time. This paragraph does  
344 not affect a petitioner's right to promptly amend any petition,  
345 or otherwise be heard in person on any petition consistent with  
346 the Florida Rules of Civil Procedure.

347 (c) Any such ex parte temporary injunction is effective for  
348 a fixed period not to exceed 15 days. A full hearing, as

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349 provided in this section, shall be set for a date no later than  
350 the date when the temporary injunction ceases to be effective.  
351 The court may grant a continuance of the hearing before or  
352 during a hearing for good cause shown by any party, which shall  
353 include a continuance to obtain service of process. An  
354 injunction shall be extended if necessary to remain in full  
355 force and effect during any period of continuance.

356 (6) (a) Upon notice and hearing, when it appears to the  
357 court that the petitioner is the victim of stalking or  
358 cyberstalking, the court may grant such relief as the court  
359 deems proper, including an injunction:

360 1. Restraining the respondent from committing any act of  
361 stalking or cyberstalking.

362 2. Ordering the respondent to participate in treatment,  
363 intervention, or counseling services to be paid for by the  
364 respondent.

365 3. Referring a petitioner to a certified domestic violence  
366 center. The court must provide the petitioner with a list of  
367 certified domestic violence centers in the circuit which the  
368 petitioner may contact.

369 4. Ordering such other relief as the court deems necessary  
370 for the protection of a victim of stalking or cyberstalking,  
371 including injunctions or directives to law enforcement agencies,  
372 as provided in this section.

373 (b) When determining whether a petitioner has reasonable  
374 cause to believe that there is a credible threat that he or she  
375 is in imminent danger of becoming a victim of stalking or  
376 cyberstalking, the court shall consider and evaluate all  
377 relevant factors alleged in the petition, including, but not

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378 limited to:

379 1. The history between the petitioner and the respondent,  
380 including threats, harassment, stalking or cyberstalking, and  
381 physical abuse.

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

385 3. Whether the respondent has intentionally injured or  
386 killed a family pet.

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

389 5. Whether the respondent has a criminal history involving  
390 violence or the threat of violence.

391 6. The existence of a verifiable order of protection issued  
392 previously or from another jurisdiction.

393 7. Whether the respondent has destroyed personal property,  
394 including, but not limited to, telephones or other  
395 communications equipment, clothing, or other items belonging to  
396 the petitioner.

397  
398 In making its determination under this paragraph, the court is  
399 not limited to those factors enumerated in subparagraphs 1.-7.

400 (c) The terms of an injunction restraining the respondent  
401 under subparagraph (a)1. or ordering other relief for the  
402 protection of the victim under subparagraph (a)4. shall remain  
403 in effect until modified or dissolved. Either party may move at  
404 any time to modify or dissolve the injunction. Specific  
405 allegations are not required. Such relief may be granted in  
406 addition to other civil or criminal remedies.

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407 (d) A temporary or final judgment on injunction for  
408 protection against stalking or cyberstalking entered pursuant to  
409 this section shall, on its face, indicate that:

410 1. The injunction is valid and enforceable in all counties  
411 of this state.

412 2. Law enforcement officers may use their arrest powers  
413 pursuant to s. 901.15(6) to enforce the terms of the injunction.

414 3. The court has jurisdiction over the parties and matter  
415 under the laws of this state and that reasonable notice and  
416 opportunity to be heard was given to the person against whom the  
417 order is sought sufficient to protect that person's right to due  
418 process.

419 4. The date that the respondent was served with the  
420 temporary or final order, if obtainable.

421 (e) The fact that a separate order of protection is granted  
422 to each opposing party is not legally sufficient to deny any  
423 remedy to either party or to prove that the parties are equally  
424 at fault or equally endangered.

425 (f) A final judgment on an injunction for protection  
426 against stalking or cyberstalking entered pursuant to this  
427 section may, on its face, provide that it is a violation of s.  
428 790.233 and a misdemeanor of the first degree for the respondent  
429 to have in his or her care, custody, possession, or control any  
430 firearm or ammunition.

431 (g) All proceedings under this subsection shall be  
432 recorded. Recording may be by electronic means as provided by  
433 the Rules of Judicial Administration.

434 (7) The court shall allow an advocate from a state  
435 attorney's office, a law enforcement agency, or a certified

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436 domestic violence center who is registered under s. 39.905 to be  
437 present with the petitioner or respondent during any court  
438 proceedings or hearings related to the injunction for protection  
439 if the petitioner or respondent has made such a request and the  
440 advocate is able to be present.

441 (8) (a)1. The clerk of the court shall furnish a copy of the  
442 petition, notice of hearing, and temporary injunction, if any,  
443 to the sheriff or a law enforcement agency of the county where  
444 the respondent resides or can be found, who shall serve it upon  
445 the respondent as soon thereafter as possible on any day of the  
446 week and at any time of the day or night. When requested by the  
447 sheriff, the clerk of the court may transmit a facsimile copy of  
448 an injunction that has been certified by the clerk of the court,  
449 and this facsimile copy may be served in the same manner as a  
450 certified copy. Upon receiving a facsimile copy, the sheriff  
451 must verify receipt with the sender before attempting to serve  
452 it on the respondent. In addition, if the sheriff is in  
453 possession of an injunction for protection which has been  
454 certified by the clerk of the court, the sheriff may transmit a  
455 facsimile copy of that injunction to a law enforcement officer  
456 who shall serve it in the same manner as a certified copy. The  
457 clerk of the court shall furnish to the sheriff such information  
458 concerning the respondent's physical description and location as  
459 is required by the department to comply with the verification  
460 procedures set forth in this section. Notwithstanding any other  
461 law, the chief judge of each circuit, in consultation with the  
462 appropriate sheriff, may authorize a law enforcement agency  
463 within the jurisdiction to effect service. A law enforcement  
464 agency serving injunctions pursuant to this section shall use

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465 service and verification procedures consistent with those of the  
466 sheriff.

467 2. If an injunction is issued and the petitioner requests  
468 the assistance of a law enforcement agency, the court may order  
469 that an officer from the appropriate law enforcement agency  
470 accompany the petitioner to assist in the execution or service  
471 of the injunction. A law enforcement officer shall accept a copy  
472 of an injunction for protection against stalking, certified by  
473 the clerk of the court, from the petitioner and immediately  
474 serve it upon a respondent who has been located but not yet  
475 served.

476 3. An order issued, changed, continued, extended, or  
477 vacated subsequent to the original service of documents  
478 enumerated under subparagraph 1. shall be certified by the clerk  
479 of the court and delivered to the parties at the time of the  
480 entry of the order. The parties may acknowledge receipt of such  
481 order in writing on the face of the original order. If a party  
482 fails or refuses to acknowledge the receipt of a certified copy  
483 of an order, the clerk shall note on the original order that  
484 service was effected. If delivery at the hearing is not  
485 possible, the clerk shall mail certified copies of the order to  
486 the parties at the last known address of each party. Service by  
487 mail is complete upon mailing. When an order is served pursuant  
488 to this subsection, the clerk shall prepare a written  
489 certification to be placed in the court file specifying the  
490 time, date, and method of service and shall notify the sheriff.

491 4. If the respondent has been served previously with a  
492 temporary injunction and has failed to appear at the initial  
493 hearing on the temporary injunction, any subsequent petition for

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494 injunction seeking an extension of time may be served on the  
495 respondent by the clerk of the court by certified mail in lieu  
496 of personal service by a law enforcement officer.

497 (b)1. Within 24 hours after the court issues an injunction  
498 for protection against stalking or cyberstalking or changes,  
499 continues, extends, or vacates an injunction for protection  
500 against stalking or cyberstalking, the clerk of the court must  
501 forward a certified copy of the injunction for service to the  
502 sheriff having jurisdiction over the residence of the  
503 petitioner. The injunction must be served in accordance with  
504 this subsection.

505 2. Within 24 hours after service of process of an  
506 injunction for protection against stalking or cyberstalking upon  
507 a respondent, the law enforcement officer must forward the  
508 written proof of service of process to the sheriff having  
509 jurisdiction over the residence of the petitioner.

510 3. Within 24 hours after the sheriff receives a certified  
511 copy of the injunction for protection against stalking or  
512 cyberstalking, the sheriff must make information relating to the  
513 injunction available to other law enforcement agencies by  
514 electronically transmitting such information to the Department  
515 of Law Enforcement.

516 4. Within 24 hours after the sheriff or other law  
517 enforcement officer has made service upon the respondent and the  
518 sheriff has been so notified, the sheriff must make information  
519 relating to the service available to other law enforcement  
520 agencies by electronically transmitting such information to the  
521 Department of Law Enforcement.

522 5. Within 24 hours after an injunction for protection

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523 against stalking or cyberstalking is vacated, terminated, or  
524 otherwise rendered no longer effective by ruling of the court,  
525 the clerk of the court must notify the sheriff receiving  
526 original notification of the injunction as provided in  
527 subparagraph 2. That agency shall, within 24 hours after  
528 receiving such notification from the clerk of the court, notify  
529 the Department of Law Enforcement of such action of the court.

530 (9) (a) The court may enforce a violation of an injunction  
531 for protection against stalking or cyberstalking through a civil  
532 or criminal contempt proceeding, or the state attorney may  
533 prosecute it as a criminal violation under s. 784.0487. The  
534 court may enforce the respondent's compliance with the  
535 injunction through any appropriate civil and criminal remedies,  
536 including, but not limited to, a monetary assessment or a fine.  
537 The clerk of the court shall collect and receive such  
538 assessments or fines. On a monthly basis, the clerk shall  
539 transfer the moneys collected pursuant to this paragraph to the  
540 State Treasury for deposit into the Domestic Violence Trust  
541 Fund.

542 (b) If the respondent is arrested by a law enforcement  
543 officer under s. 901.15(6) or for a violation of s. 784.0487,  
544 the respondent shall be held in custody until brought before the  
545 court as expeditiously as possible for the purpose of enforcing  
546 the injunction and for admittance to bail in accordance with  
547 chapter 903 and the applicable rules of criminal procedure,  
548 pending a hearing.

549 (10) The petitioner or the respondent may move the court to  
550 modify or dissolve an injunction at any time.

551 Section 3. Section 784.0487, Florida Statutes, is created

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552 to read:

553 784.0487 Violation of an injunction for protection against  
554 stalking or cyberstalking.-

555 (1) If the injunction for protection against stalking or  
556 cyberstalking has been violated and the respondent has not been  
557 arrested, the petitioner may contact the clerk of the circuit  
558 court of the county in which the violation is alleged to have  
559 occurred. The clerk shall assist the petitioner in preparing an  
560 affidavit in support of reporting the violation or directing the  
561 petitioner to the office operated by the court that has been  
562 designated by the chief judge of that circuit as the central  
563 intake point for violations of injunctions for protection where  
564 the petitioner can receive assistance in the preparation of the  
565 affidavit in support of the violation.

566 (2) The affidavit shall be immediately forwarded by the  
567 office assisting the petitioner to the state attorney of that  
568 circuit and to such judge as the chief judge determines to be  
569 the recipient of affidavits of violations of an injunction. If  
570 the affidavit alleges that a crime has been committed, the  
571 office assisting the petitioner shall also forward a copy of the  
572 petitioner's affidavit to the appropriate law enforcement agency  
573 for investigation. No later than 20 days after receiving the  
574 initial report, the local law enforcement agency shall complete  
575 its investigation and forward a report to the state attorney.  
576 The policy adopted by the state attorney in each circuit under  
577 s. 741.2901(2) shall include a policy regarding intake of  
578 alleged violations of injunctions for protection against  
579 stalking or cyberstalking under this section. The intake shall  
580 be supervised by a state attorney who has been designated and

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581 assigned to handle stalking or cyberstalking cases. The state  
582 attorney shall determine within 30 working days whether his or  
583 her office will file criminal charges or prepare a motion for an  
584 order to show cause as to why the respondent should not be held  
585 in criminal contempt, or prepare both as alternative findings,  
586 or file notice that the case remains under investigation or is  
587 pending subject to some other action.

588 (3) If the court has knowledge that the petitioner or  
589 another person is in immediate danger if the court does not act  
590 before the decision of the state attorney to proceed, the court  
591 shall immediately issue an order of appointment of the state  
592 attorney to file a motion for an order to show cause as to why  
593 the respondent should not be held in contempt. If the court does  
594 not issue an order of appointment of the state attorney, it  
595 shall immediately notify the state attorney that the court is  
596 proceeding to enforce the violation through criminal contempt.

597 (4) A person who willfully violates an injunction for  
598 protection against stalking or cyberstalking issued pursuant to  
599 s. 784.0485, or a foreign protection order accorded full faith  
600 and credit pursuant to s. 741.315, by:

601 (a) Going to, or being within 500 feet of, the petitioner's  
602 residence, school, place of employment, or a specified place  
603 frequented regularly by the petitioner and any named family or  
604 household member;

605 (b) Committing an act of stalking or cyberstalking against  
606 the petitioner;

607 (c) Committing any other violation of the injunction  
608 through an intentional unlawful threat, word, or act to do  
609 violence to the petitioner;

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610 (d) Telephoning, contacting, or otherwise communicating  
611 with the petitioner, directly or indirectly, unless the  
612 injunction specifically allows indirect contact through a third  
613 party;

614 (e) Knowingly and intentionally coming within 100 feet of  
615 the petitioner's motor vehicle, whether or not that vehicle is  
616 occupied;

617 (f) Defacing or destroying the petitioner's personal  
618 property, including the petitioner's motor vehicle; or

619 (g) Refusing to surrender firearms or ammunition if ordered  
620 to do so by the court,

621  
622 commits a misdemeanor of the first degree, punishable as  
623 provided in s. 775.082 or s. 775.083.

624 (5) A person who suffers an injury or loss as a result of a  
625 violation of an injunction for protection against stalking or  
626 cyberstalking may be awarded economic damages for that injury or  
627 loss by the court issuing the injunction. Damages includes costs  
628 and attorney fees for enforcement of the injunction.

629 Section 4. This act shall take effect October 1, 2012.