

1 A bill to be entitled

2 An act relating to protective orders; amending ss.  
3 741.30, 784.046, and 784.0485, F.S.; extending the  
4 effectiveness of certain temporary injunctions in  
5 domestic violence, repeat violence, sexual violence,  
6 dating violence, or stalking proceedings in certain  
7 circumstances; amending ss. 784.047 and 784.0487,  
8 F.S.; providing that it is unlawful for a person to  
9 violate a final injunction for protection against  
10 repeat violence, dating violence, sexual violence,  
11 stalking, or cyberstalking by having in his or her  
12 care, custody, possession, or control any firearm or  
13 ammunition; providing penalties; amending s. 790.233,  
14 F.S.; conforming provisions to changes made by the  
15 act; amending s. 901.15, F.S.; expanding situations in  
16 which an arrest without a warrant is lawful to include  
17 probable cause of repeat violence, sexual violence,  
18 stalking, cyberstalking, or child abuse; providing an  
19 effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Paragraph (c) of subsection (5) of section  
24 741.30, Florida Statutes, is amended to read:

25 741.30 Domestic violence; injunction; powers and duties of  
26 court and clerk; petition; notice and hearing; temporary

27 injunction; issuance of injunction; statewide verification  
 28 system; enforcement; public records exemption.-

29 (5)

30 (c) Any such ex parte temporary injunction is ~~shall be~~  
 31 effective for a fixed period not to exceed 15 days. However, if  
 32 a final injunction is issued for the same case, the  
 33 effectiveness of the ex parte temporary injunction extends until  
 34 the final injunction is served upon the respondent. A full  
 35 hearing, as provided by this section, shall be set for a date no  
 36 later than the date when the temporary injunction ceases to be  
 37 effective. The court may grant a continuance of the hearing  
 38 before or during a hearing for good cause shown by any party,  
 39 which must ~~shall~~ include a continuance to obtain service of  
 40 process. An ~~Any~~ injunction shall be extended, if necessary, so  
 41 that it remains to remain in full force and effect during any  
 42 period of continuance.

43 Section 2. Paragraph (c) of subsection (6) of section  
 44 784.046, Florida Statutes, is amended to read:

45 784.046 Action by victim of repeat violence, sexual  
 46 violence, or dating violence for protective injunction; dating  
 47 violence investigations, notice to victims, and reporting;  
 48 pretrial release violations; public records exemption.-

49 (6)

50 (c) Any such ex parte temporary injunction is ~~shall be~~  
 51 effective for a fixed period not to exceed 15 days. An ~~However,~~  
 52 ~~an~~ ex parte temporary injunction granted under subparagraph

53 (2)(c)2. is effective for 15 days following the date the  
 54 respondent is released from incarceration. However, if a final  
 55 injunction is issued for the same case, the effectiveness of the  
 56 ex parte temporary injunction extends until the final injunction  
 57 is served upon the respondent. A full hearing, as provided by  
 58 this section, shall be set for a date no later than the date  
 59 when the temporary injunction ceases to be effective. The court  
 60 may grant a continuance of the ~~ex parte injunction and the full~~  
 61 ~~hearing before or during a hearing,~~ for good cause shown by any  
 62 party, which must include a continuance to obtain service of  
 63 process. An injunction shall be extended, if necessary, so that  
 64 it remains in full force and effect during any period of  
 65 continuance.

66 Section 3. Paragraph (c) of subsection (5) of section  
 67 784.0485, Florida Statutes, is amended to read:

68 784.0485 Stalking; injunction; powers and duties of court  
 69 and clerk; petition; notice and hearing; temporary injunction;  
 70 issuance of injunction; statewide verification system;  
 71 enforcement.-

72 (5)

73 (c) Any such ex parte temporary injunction is effective  
 74 for a fixed period not to exceed 15 days. However, if a final  
 75 injunction is issued for the same case, the effectiveness of the  
 76 ex parte temporary injunction extends until the final injunction  
 77 is served upon the respondent. A full hearing, as provided in  
 78 this section, shall be set for a date no later than the date

79 when the temporary injunction ceases to be effective. The court  
 80 may grant a continuance of the hearing before or during a  
 81 hearing for good cause shown by any party, which must ~~shall~~  
 82 include a continuance to obtain service of process. An  
 83 injunction shall be extended, if necessary, so that it remains  
 84 ~~to remain~~ in full force and effect during any period of  
 85 continuance.

86 Section 4. Section 784.047, Florida Statutes, is amended  
 87 to read:

88 784.047 Penalties for violating protective injunction  
 89 against violators.—

90 (1) A person who willfully violates an injunction for  
 91 protection against repeat violence, sexual violence, or dating  
 92 violence, issued pursuant to s. 784.046, or a foreign protection  
 93 order accorded full faith and credit pursuant to s. 741.315, by:

94 (a) ~~(1)~~ Refusing to vacate the dwelling that the parties  
 95 share;

96 (b) ~~(2)~~ Going to, or being within 500 feet of, the  
 97 petitioner's residence, school, or place of employment, or a  
 98 specified place frequented regularly by the petitioner or ~~and~~  
 99 any named family or household member;

100 (c) ~~(3)~~ Committing an act of repeat violence, sexual  
 101 violence, or dating violence against the petitioner;

102 (d) ~~(4)~~ Committing any other violation of the injunction  
 103 through an intentional unlawful threat, word, or act to do  
 104 violence to the petitioner;

105        (e)~~(5)~~ Telephoning, contacting, or otherwise communicating  
 106 with the petitioner directly or indirectly, unless the  
 107 injunction specifically allows indirect contact through a third  
 108 party;

109        (f)~~(6)~~ Knowingly and intentionally coming within 100 feet  
 110 of the petitioner's motor vehicle, whether or not that vehicle  
 111 is occupied;

112        (g)~~(7)~~ Defacing or destroying the petitioner's personal  
 113 property, including the petitioner's motor vehicle; or

114        (h)~~(8)~~ Refusing to surrender firearms or ammunition if  
 115 ordered to do so by the court,

116

117 commits a misdemeanor of the first degree, punishable as  
 118 provided in s. 775.082 or s. 775.083.

119        (2) A person who violates a final injunction for  
 120 protection against repeat violence, sexual violence, or dating  
 121 violence by having in his or her care, custody, possession, or  
 122 control any firearm or ammunition violates s. 790.233 and  
 123 commits a misdemeanor of the first degree, punishable as  
 124 provided in s. 775.082 or s. 775.083.

125        Section 5. Paragraph (a) of subsection (4) of section  
 126 784.0487, Florida Statutes, is amended, and subsection (6) is  
 127 added to that section, to read:

128        784.0487 Violation of an injunction for protection against  
 129 stalking or cyberstalking.—

130        (4) A person who willfully violates an injunction for

131 protection against stalking or cyberstalking issued pursuant to  
 132 s. 784.0485, or a foreign protection order accorded full faith  
 133 and credit pursuant to s. 741.315, by:

134 (a) Going to, or being within 500 feet of, the  
 135 petitioner's residence, school, or place of employment, or a  
 136 specified place frequented regularly by the petitioner, ~~and~~ any  
 137 named family members, or individuals closely associated with the  
 138 petitioner;

139  
 140 commits a misdemeanor of the first degree, punishable as  
 141 provided in s. 775.082 or s. 775.083.

142 (6) A person who violates a final injunction for  
 143 protection against stalking or cyberstalking by having in his or  
 144 her care, custody, possession, or control any firearm or  
 145 ammunition violates s. 790.233 and commits a misdemeanor of the  
 146 first degree, punishable as provided in s. 775.082 or s.  
 147 775.083.

148 Section 6. Subsection (1) of section 790.233, Florida  
 149 Statutes, is amended to read:

150 790.233 Possession of firearm or ammunition prohibited  
 151 when person is subject to an injunction against committing acts  
 152 of domestic violence, repeat violence, dating violence, sexual  
 153 violence, stalking, or cyberstalking; penalties.—

154 (1) A person may not have in his or her care, custody,  
 155 possession, or control any firearm or ammunition if the person  
 156 has been issued a final injunction that is currently in force

157 and effect, restraining that person from committing acts of:  
 158 (a) Domestic violence, as issued under s. 741.30;  
 159 (b) Repeat violence, dating violence, or sexual violence,  
 160 as issued under s. 784.046; or ~~from committing acts of~~  
 161 (c) Stalking or cyberstalking, as issued under s.  
 162 784.0485.

163 Section 7. Subsections (6) and (7) of section 901.15,  
 164 Florida Statutes, are amended to read:

165 901.15 When arrest by officer without warrant is lawful.—A  
 166 law enforcement officer may arrest a person without a warrant  
 167 when:

168 (6) There is probable cause to believe that the person has  
 169 committed a criminal act according to s. 790.233 or according to  
 170 s. 39.504, s. 741.31, ~~or~~ s. 784.047, or s. 784.0487 which  
 171 violates an injunction for protection entered pursuant to s.  
 172 39.504, s. 741.30, ~~or~~ s. 784.046, or s. 784.0485, or a foreign  
 173 protection order accorded full faith and credit pursuant to s.  
 174 741.315, over the objection of the petitioner, if necessary.

175 (7) There is probable cause to believe that the person has  
 176 committed an act of child abuse as provided in s. 39.01; an act  
 177 of domestic violence, as defined in s. 741.28; an act of, ~~or~~  
 178 dating violence, repeat violence, or sexual violence as provided  
 179 in s. 784.046; or an act of stalking or cyberstalking as  
 180 provided in s. 784.0485. The decision to arrest does ~~shall~~ not  
 181 require consent of the victim or consideration of the  
 182 relationship of the parties. It is the public policy of this

183 state to strongly discourage arrest and charges of both parties  
184 for domestic violence or dating violence on each other and to  
185 encourage training of law enforcement and prosecutors in these  
186 areas. A law enforcement officer who acts in good faith and  
187 exercises due care in making an arrest under this subsection,  
188 under s. 39.504, s. 741.31(4), ~~or~~ s. 784.047, or s. 784.0487, or  
189 pursuant to a foreign order of protection accorded full faith  
190 and credit pursuant to s. 741.315, is immune from civil  
191 liability that otherwise might result by reason of his or her  
192 action.

193 Section 8. This act shall take effect October 1, 2014.