

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 unless, after  
 32 a full hearing, a final injunction is issued on the same case.  
 33 In that instance, the temporary injunction remains in full force  
 34 and effect until the final injunction is served upon the  
 35 respondent.

36 (d) A full hearing, as provided by this section, shall be  
 37 set for a date no later than the date when the ex parte  
 38 temporary injunction ceases to be effective. The court may grant  
 39 a continuance of the hearing before or during a hearing for good  
 40 cause shown by any party. The need to obtain service of process  
 41 constitutes good cause. A temporary, which shall include a  
 42 continuance to obtain service of process. Any injunction that is  
 43 already served must ~~shall~~ be extended, if necessary, so that it  
 44 remains to remain in full force and effect during any period of  
 45 continuance.

46 Section 2. Paragraph (c) of subsection (6) of section  
 47 784.046, Florida Statutes, is amended to read:

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

52 (6)

53 (c) Any such ex parte temporary injunction is ~~shall be~~  
54 effective for a fixed period not to exceed 15 days and. ~~However,~~  
55 an ex parte temporary injunction granted under subparagraph  
56 (2)(c)2. is effective for 15 days following the date the  
57 respondent is released from incarceration unless, after a full  
58 hearing, a final injunction is issued on the same case. In that  
59 instance, the temporary injunction remains in full force and  
60 effect until the final injunction is served upon the respondent.

61 (d) A full hearing, as provided by this section, shall be  
62 set for a date no later than the date when the ex parte  
63 temporary injunction ceases to be effective. The court may grant  
64 a continuance of the ~~ex parte injunction and the full hearing~~  
65 before or during a hearing, for good cause shown by any party.  
66 The need to obtain service of process constitutes good cause. A  
67 temporary injunction that is already served must be extended, if  
68 necessary, so that it remains in full force and effect during  
69 any period of continuance.

70 Section 3. Paragraph (c) of subsection (5) of section  
71 784.0485, Florida Statutes, is amended to read:

72 784.0485 Stalking; injunction; powers and duties of court  
73 and clerk; petition; notice and hearing; temporary injunction;  
74 issuance of injunction; statewide verification system;  
75 enforcement.—

76 (5)

77 (c) Any such ex parte temporary injunction is effective  
78 for a fixed period not to exceed 15 days unless, after a full

79 hearing, a final injunction is issued on the same case. In that  
 80 instance, the temporary injunction remains in full force and  
 81 effect until the final injunction is served upon the respondent.

82 (d) A full hearing, as provided in this section, shall be  
 83 set for a date no later than the date when the ex parte  
 84 temporary injunction ceases to be effective. The court may grant  
 85 a continuance of the hearing before or during a hearing for good  
 86 cause shown by any party. The need to obtain service of process  
 87 constitutes good cause. A temporary, which shall include a  
 88 continuance to obtain service of process. An injunction that is  
 89 already served must shall be extended, if necessary, so that it  
 90 remains to remain in full force and effect during any period of  
 91 continuance.

92 Section 4. Section 784.047, Florida Statutes, is amended  
 93 to read:

94 784.047 Penalties for violating protective injunction  
 95 against violators.—

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

100 (a)(1) Refusing to vacate the dwelling that the parties  
 101 share;

102 (b)(2) Going to, or being within 500 feet of, the  
 103 petitioner's residence, school, or place of employment, or a  
 104 specified place frequented regularly by the petitioner or and

105 any named family or household member;

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

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

111 ~~(e)(5)~~ Telephoning, contacting, or otherwise communicating  
112 with the petitioner directly or indirectly, unless the  
113 injunction specifically allows indirect contact through a third  
114 party;

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

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

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

122  
123 commits a misdemeanor of the first degree, punishable as  
124 provided in s. 775.082 or s. 775.083.

125 (2) A person who violates a final injunction for  
126 protection against repeat violence, sexual violence, or dating  
127 violence by having in his or her care, custody, possession, or  
128 control any firearm or ammunition violates s. 790.233 and  
129 commits a misdemeanor of the first degree, punishable as  
130 provided in s. 775.082 or s. 775.083.

131 Section 5. Paragraph (a) of subsection (4) of section  
 132 784.0487, Florida Statutes, is amended, and subsection (6) is  
 133 added to that section, to read:

134 784.0487 Violation of an injunction for protection against  
 135 stalking or cyberstalking.—

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

140 (a) Going to, or being within 500 feet of, the  
 141 petitioner's residence, school, or place of employment, or a  
 142 specified place frequented regularly by the petitioner, ~~and~~ any  
 143 named family members, or individuals closely associated with the  
 144 petitioner;

145  
 146 commits a misdemeanor of the first degree, punishable as  
 147 provided in s. 775.082 or s. 775.083.

148 (6) A person who violates a final injunction for  
 149 protection against stalking or cyberstalking by having in his or  
 150 her care, custody, possession, or control any firearm or  
 151 ammunition violates s. 790.233 and commits a misdemeanor of the  
 152 first degree, punishable as provided in s. 775.082 or s.  
 153 775.083.

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

156 790.233 Possession of firearm or ammunition prohibited

157 when person is subject to an injunction against committing acts  
 158 of domestic violence, repeat violence, dating violence, sexual  
 159 violence, stalking, or cyberstalking; penalties.—

160 (1) A person may not have in his or her care, custody,  
 161 possession, or control any firearm or ammunition if the person  
 162 has been issued a final injunction that is currently in force  
 163 and effect, restraining that person from committing acts of:

164 (a) Domestic violence, as issued under s. 741.30;

165 (b) Repeat violence, dating violence, or sexual violence,  
 166 as issued under s. 784.046; or ~~from committing acts of~~

167 (c) Stalking or cyberstalking, as issued under s.  
 168 784.0485.

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

171 901.15 When arrest by officer without warrant is lawful.—A  
 172 law enforcement officer may arrest a person without a warrant  
 173 when:

174 (6) There is probable cause to believe that the person has  
 175 committed a criminal act according to s. 790.233 or according to  
 176 s. 39.504, s. 741.31, ~~or~~ s. 784.047, or s. 784.0487 which  
 177 violates an injunction for protection entered pursuant to s.  
 178 39.504, s. 741.30, ~~or~~ s. 784.046, or s. 784.0485, or a foreign  
 179 protection order accorded full faith and credit pursuant to s.  
 180 741.315, over the objection of the petitioner, if necessary.

181 (7) There is probable cause to believe that the person has  
 182 committed an act of child abuse as provided in s. 39.01; an act

183 of domestic violence~~,~~ as defined in s. 741.28; an act of,~~or~~  
184 dating violence, repeat violence, or sexual violence as provided  
185 in s. 784.046; or an act of stalking or cyberstalking as  
186 provided in s. 784.0485. The decision to arrest does ~~shall~~ not  
187 require consent of the victim or consideration of the  
188 relationship of the parties. It is the public policy of this  
189 state to strongly discourage arrest and charges of both parties  
190 for domestic violence or dating violence on each other and to  
191 encourage training of law enforcement and prosecutors in these  
192 areas. A law enforcement officer who acts in good faith and  
193 exercises due care in making an arrest under this subsection,  
194 under s. 39.504, s. 741.31(4), ~~or~~ s. 784.047, or s. 784.0487, or  
195 pursuant to a foreign order of protection accorded full faith  
196 and credit pursuant to s. 741.315, is immune from civil  
197 liability that otherwise might result by reason of his or her  
198 action.

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