

By Senator Dean

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1 A bill to be entitled
2 An act relating to the protection of crime victims;
3 creating s. 493.6204, F.S.; requiring a licensed
4 private investigator and private investigative agency
5 to determine if an individual being investigated is a
6 petitioner requesting notification of service of an
7 injunction for protection against domestic violence,
8 repeat violence, sexual violence, or dating violence
9 or is a participant in the Address Confidentiality
10 Program for Victims of Domestic Violence within the
11 Office of the Attorney General; prohibiting the
12 private investigator, the private investigative
13 agency, and their agents from releasing such
14 petitioner's or participant's personal identifying
15 information; providing penalties; amending s. 741.30,
16 F.S.; revising the effective period of an ex parte
17 temporary injunction for protection against domestic
18 violence; amending s. 741.31, F.S.; making technical
19 changes; amending s. 784.046, F.S.; revising the
20 effective period of an ex parte temporary injunction
21 for protection against repeat violence, sexual
22 violence, or dating violence; amending s. 784.0485,
23 F.S.; revising the effective period of an ex parte
24 temporary injunction for protection against stalking;
25 amending s. 784.0487, F.S.; providing that a person
26 commits a misdemeanor of the first degree if he or she
27 violates a final injunction for protection against
28 stalking or cyberstalking by having in his or her
29 care, custody, possession, or control any firearm or

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30 ammunition; providing penalties; making technical
31 changes; amending s. 901.15, F.S.; conforming
32 provisions to changes made by the act; expanding
33 situations in which an arrest without a warrant is
34 lawful to include probable cause for stalking,
35 cyberstalking, child abuse, or failing to comply with
36 certain protective injunctions; providing an effective
37 date.

38
39 Be It Enacted by the Legislature of the State of Florida:

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41 Section 1. Section 493.6204, Florida Statutes, is created
42 to read:

43 493.6204 Prohibition against releasing information.—If a
44 private investigator licensed under this chapter or a private
45 investigative agency licensed under this chapter is hired to
46 investigate an individual, the private investigator or the
47 private investigative agency shall determine if the individual
48 is a petitioner requesting notification of service of an
49 injunction for protection against domestic violence under s.
50 741.30(8)(c) or against repeat violence, sexual violence, or
51 dating violence under s. 784.046(8)(c) or if the individual is a
52 participant in the Address Confidentiality Program for Victims
53 of Domestic Violence under s. 741.465. If the individual is such
54 a petitioner or participant, the private investigator, the
55 private investigative agency, or their agents may not release to
56 anyone the individual's name, social security number, home
57 address, employment address, home telephone number, employment
58 telephone number, cellular telephone number, or e-mail address

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59 or other electronic means of locating or identifying the
60 individual. A violation of this section is a misdemeanor of the
61 first degree, punishable as provided in s. 775.082 or s.
62 775.083, and the license of such private investigator or private
63 investigative agency is subject to suspension or revocation as
64 provided in this chapter.

65 Section 2. Paragraph (c) of subsection (5) of section
66 741.30, Florida Statutes, is amended to read:

67 741.30 Domestic violence; injunction; powers and duties of
68 court and clerk; petition; notice and hearing; temporary
69 injunction; issuance of injunction; statewide verification
70 system; enforcement; public records exemption.-

71 (5)

72 (c) Any such ex parte temporary injunction is ~~shall be~~
73 effective for a fixed period not to exceed 15 days unless a
74 final injunction is issued for the same case which extends the
75 effectiveness of the ex parte temporary injunction until the
76 final injunction is served. A full hearing, as provided by this
77 section, shall be set for a date no later than the date when the
78 temporary injunction ceases to be effective. The court may grant
79 a continuance of the hearing before or during a hearing for good
80 cause shown by any party, which must ~~shall~~ include a continuance
81 to obtain service of process. An ~~Any~~ injunction shall be
82 extended, if necessary, so that it remains ~~to remain~~ in full
83 force and effect during any period of continuance.

84 Section 3. Subsection (4) of section 741.31, Florida
85 Statutes, is amended to read:

86 741.31 Violation of an injunction for protection against
87 domestic violence.-

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88 (4) (a) A person who willfully violates an injunction for
89 protection against domestic violence issued pursuant to s.
90 741.30, or a foreign protection order accorded full faith and
91 credit pursuant to s. 741.315, by:

92 1. Refusing to vacate the dwelling that the parties share;

93 2. Going to, or being within 500 feet of, the petitioner's
94 residence, school, or place of employment, or a specified place
95 frequented regularly by the petitioner and any named family or
96 household member;

97 3. Committing an act of domestic violence against the
98 petitioner;

99 4. Committing any other violation of the injunction through
100 an intentional unlawful threat, word, or act to do violence to
101 the petitioner;

102 5. Telephoning, contacting, or otherwise communicating with
103 the petitioner directly or indirectly, unless the injunction
104 specifically allows indirect contact through a third party;

105 6. Knowingly and intentionally coming within 100 feet of
106 the petitioner's motor vehicle, whether or not that vehicle is
107 occupied;

108 7. Defacing or destroying the petitioner's personal
109 property, including the petitioner's motor vehicle; or

110 8. Refusing to surrender firearms or ammunition if ordered
111 to do so by the court,

112
113 commits a misdemeanor of the first degree, punishable as
114 provided in s. 775.082 or s. 775.083.

115 (b)1. A person who violates a final injunction for
116 protection against domestic violence by having in his or her

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117 care, custody, possession, or control any firearm or ammunition
118 violates ~~It is a violation of s. 790.233, and commits a~~
119 misdemeanor of the first degree, punishable as provided in s.
120 775.082 or s. 775.083, ~~for a person to violate a final~~
121 ~~injunction for protection against domestic violence by having in~~
122 ~~his or her care, custody, possession, or control any firearm or~~
123 ~~ammunition.~~

124 2. It is the intent of the Legislature that the
125 disabilities regarding possession of firearms and ammunition are
126 consistent with federal law. Accordingly, this paragraph does
127 ~~shall~~ not apply to a state or local officer as defined in s.
128 943.10(14), holding an active certification, who receives or
129 possesses a firearm or ammunition for use in performing official
130 duties on behalf of the officer's employing agency, unless
131 otherwise prohibited by the employing agency.

132 Section 4. Paragraph (c) of subsection (6) of section
133 784.046, Florida Statutes, is amended to read:

134 784.046 Action by victim of repeat violence, sexual
135 violence, or dating violence for protective injunction; dating
136 violence investigations, notice to victims, and reporting;
137 pretrial release violations; public records exemption.-

138 (6)

139 (c) Any such ex parte temporary injunction is ~~shall be~~
140 effective for a fixed period not to exceed 15 days unless a
141 final injunction is issued for the same case which extends the
142 effectiveness of the temporary injunction until the final
143 injunction is served. However, an ex parte temporary injunction
144 granted under subparagraph (2)(c)2. is effective for 15 days
145 following the date the respondent is released from incarceration

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146 unless a final injunction is issued for the same case which
147 extends the effectiveness of the ex parte temporary injunction
148 until the final injunction is served. A full hearing, as
149 provided by this section, shall be set for a date no later than
150 the date when the temporary injunction ceases to be effective.
151 The court may grant a continuance of the ex parte injunction and
152 the full hearing before or during a hearing, for good cause
153 shown by any party.

154 Section 5. Paragraph (c) of subsection (5) of section
155 784.0485, Florida Statutes, is amended to read:

156 784.0485 Stalking; injunction; powers and duties of court
157 and clerk; petition; notice and hearing; temporary injunction;
158 issuance of injunction; statewide verification system;
159 enforcement.-

160 (5)

161 (c) Any such ex parte temporary injunction is effective for
162 a fixed period not to exceed 15 days unless a final injunction
163 is issued for the same case which extends the effectiveness of
164 the ex parte temporary injunction until the final injunction is
165 served. A full hearing, as provided in this section, shall be
166 set for a date no later than the date when the temporary
167 injunction ceases to be effective. The court may grant a
168 continuance of the hearing before or during a hearing for good
169 cause shown by any party, which must ~~shall~~ include a continuance
170 to obtain service of process. An injunction shall be extended,
171 if necessary, so that it remains ~~to remain~~ in full force and
172 effect during any period of continuance.

173 Section 6. Subsection (4) of section 784.0487, Florida
174 Statutes, is amended, and subsection (6) is added to that

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175 section, to read:

176 784.0487 Violation of an injunction for protection against
177 stalking or cyberstalking.—

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

182 (a) Going to, or being within 500 feet of, the petitioner's
183 residence, school, or place of employment, or a specified place
184 frequented regularly by the petitioner and any named family
185 members or individuals closely associated with the petitioner;

186 (b) Committing an act of stalking against the petitioner;

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

190 (d) Telephoning, contacting, or otherwise communicating
191 with the petitioner, directly or indirectly, unless the
192 injunction specifically allows indirect contact through a third
193 party;

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

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

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

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

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

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

211 901.15 When arrest by officer without warrant is lawful.—A
212 law enforcement officer may arrest a person without a warrant
213 when:

214 (6) There is probable cause to believe that the person has
215 committed a criminal act according to s. 790.233 or according to
216 s. 39.504, s. 741.31, ~~or~~ s. 784.047, or s. 784.0487 which
217 violates an injunction for protection entered pursuant to s.
218 39.504, s. 741.30, ~~or~~ s. 784.046, or s. 784.0485, or a foreign
219 protection order accorded full faith and credit pursuant to s.
220 741.315, over the objection of the petitioner, if necessary.

221 (7) There is probable cause to believe that the person has
222 committed an act of domestic violence~~;~~ as defined in s. 741.28;~~;~~
223 ~~or~~ dating violence, repeat violence, or sexual violence as
224 defined ~~provided~~ in s. 784.046; stalking or cyberstalking as
225 defined in s. 784.048; or abuse as defined in s. 39.01. The
226 decision to arrest does ~~shall~~ not require consent of the victim
227 or consideration of the relationship of the parties. It is the
228 public policy of this state to strongly discourage arrest and
229 charges of both parties for domestic violence or dating violence
230 on each other and to encourage training of law enforcement and
231 prosecutors in these areas. A law enforcement officer who acts
232 in good faith and exercises due care in making an arrest under

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233 this subsection, under s. 39.504, s. 741.31(4), ~~or~~ s. 784.047,
234 or s. 784.0487, or pursuant to a foreign order of protection
235 accorded full faith and credit pursuant to s. 741.315~~7~~ is immune
236 from civil liability that otherwise might result by reason of
237 his or her action.

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