

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Rodríguez, J. offered the following:

4
 5 **Amendment (with title amendment)**

6 Between lines 65 and 66, insert:

7 Section 2. Section 784.047, Florida Statutes, is amended
 8 to read:

9 784.047 Penalties for violating protective injunction
 10 against violators.—

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

15 (a)~~(1)~~ Refusing to vacate the dwelling that the parties
 16 share;

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

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

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

26 ~~(e)(5)~~ Telephoning, contacting, or otherwise communicating
27 with the petitioner directly or indirectly, unless the
28 injunction specifically allows indirect contact through a third
29 party;

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

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

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

37
38 commits a misdemeanor of the first degree, punishable as
39 provided in s. 775.082 or s. 775.083, except as provided in
40 subsection (2).

41 (2) A person who has two or more prior convictions for
42 violation of an injunction and who commits any third or

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43 subsequent violation commits a felony of the third degree,
44 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
45 For purposes of this paragraph, the term "conviction" means a
46 determination of guilt that is the result of a plea or a trial,
47 regardless of whether adjudication is withheld or a plea of nolo
48 contendere is entered.

49 Section 3. Subsection (4) of section 784.0487, Florida
50 Statutes, is amended to read:

51 784.0487 Violation of an injunction for protection against
52 stalking or cyberstalking.-

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

57 1.(a) Going to, or being within 500 feet of, the
58 petitioner's residence, school, place of employment, or a
59 specified place frequented regularly by the petitioner and any
60 named family members or individuals closely associated with the
61 petitioner;

62 2.(b) Committing an act of stalking against the
63 petitioner;

64 3.(e) Committing any other violation of the injunction
65 through an intentional unlawful threat, word, or act to do
66 violence to the petitioner;

67 4.(d) Telephoning, contacting, or otherwise communicating
68 with the petitioner, directly or indirectly, unless the

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69 injunction specifically allows indirect contact through a third
70 party;

71 ~~5.(e)~~ Knowingly and intentionally coming within 100 feet
72 of the petitioner's motor vehicle, whether or not that vehicle
73 is occupied;

74 ~~6.(f)~~ Defacing or destroying the petitioner's personal
75 property, including the petitioner's motor vehicle; or

76 ~~7.(g)~~ Refusing to surrender firearms or ammunition if
77 ordered to do so by the court,

78
79 commits a misdemeanor of the first degree, punishable as
80 provided in s. 775.082 or s. 775.083, except as provided in
81 paragraph (b).

82 (b) A person who has two or more prior convictions for
83 violation of an injunction and who commits any third or
84 subsequent violation commits a felony of the third degree,
85 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
86 For purposes of this paragraph, the term "conviction" means a
87 determination of guilt that is the result of a plea or a trial,
88 regardless of whether adjudication is withheld or a plea of nolo
89 contendere is entered.

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92 **T I T L E A M E N D M E N T**

93 Remove everything before the enacting clause and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 443 (2015)

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94 An act relating to violation of an injunction for protection;
95 amending ss. 741.31, 784.047, and 784.0487, F.S.; providing
96 enhanced criminal penalties for a third or subsequent violation
97 of an injunction for protection against specified acts of
98 violence or a foreign protection order issued under specified
99 provisions; providing an effective date.