

1 (4)(a) A person who willfully violates an injunction
2 for protection against domestic violence issued pursuant to s.
3 741.30, or a foreign protection order accorded full faith and
4 credit pursuant to s. 741.315, by:

5 1. Refusing to vacate the dwelling that the parties
6 share;

7 2. Going to the petitioner's residence, school, place
8 of employment, or a specified place frequented regularly by
9 the petitioner and any named family or household member;

10 3. Committing an act of domestic violence against the
11 petitioner;

12 4. Committing any other violation of the injunction
13 through an intentional unlawful threat, word, or act to do
14 violence to the petitioner; or

15 5. Telephoning, contacting, or otherwise communicating
16 with the petitioner directly or indirectly, unless the
17 injunction specifically allows indirect contact through a
18 third party

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

22 (b)1. It is a violation of s. 790.233, and a
23 misdemeanor of the first degree, punishable as provided in s.
24 775.082 or s. 775.083, for a person to violate a final
25 injunction for protection against domestic violence by having
26 in his or her care, custody, possession, or control any
27 firearm or ammunition.

28 2. It is the intent of the Legislature that the
29 disabilities regarding possession of firearms and ammunition
30 are consistent with federal law. Accordingly, this paragraph
31 shall not apply to a state or local officer as defined in s.

1 943.10(14), holding an active certification, who receives or
2 possesses a firearm or ammunition for use in performing
3 official duties on behalf of the officer's employing agency,
4 unless otherwise prohibited by the employing agency.

5 (c) It is a misdemeanor of the first degree for any
6 person subject to a final injunction for protection against
7 domestic violence to refuse to surrender any firearm or
8 ammunition in his or her care, custody, possession, or
9 control, or to interfere with or obstruct a law enforcement
10 officer enforcing the provisions of paragraph (b).

11 Section 2. Section 787.04, Florida Statutes, is
12 amended to read:

13 787.04 Removing minors from state or concealing minors
14 contrary to state agency order or court order.--

15 (1) It is unlawful for any person, in violation of a
16 court order, to lead, take, entice, or remove a minor beyond
17 the limits of this state, or to conceal the location of a
18 minor, with personal knowledge of the order.

19 (2) It is unlawful for any person, with criminal
20 intent, to lead, take, entice, or remove a minor beyond the
21 limits of this state, or to conceal the location of a minor,
22 during the pendency of any action or proceeding affecting
23 custody of the minor, after having received notice as required
24 by law of the pendency of the action or proceeding, without
25 the permission of the court in which the action or proceeding
26 is pending.

27 (3) It is unlawful for any person, with criminal
28 intent, to lead, take, entice, or remove a minor beyond the
29 limits of this state, or to conceal the location of a minor,
30 during the pendency of a dependency proceeding affecting such
31 minor or during the pendency of any investigation, action, or

1 proceeding concerning the alleged abuse or neglect of such
2 minor, after having received notice of the pendency of such
3 investigation, action, or proceeding and without the
4 permission of the state agency or court in which the
5 investigation, action, or proceeding is pending.

6 (4) It is unlawful for any noncustodial parent or
7 respondent subject to an injunction for protection against
8 domestic violence with personal knowledge of the injunction to
9 lead, take, entice, or remove a minor from the custodial
10 parent or any child care provider or other person entrusted by
11 the custodial parent with the care of the minor, or to conceal
12 the location of the minor in violation of the injunction.

13 ~~(5)(4)~~ It is unlawful for any person, who has carried
14 beyond the limits of this state any minor whose custody is
15 involved in any action or proceeding pending in this state
16 pursuant to the order of the court in which the action or
17 proceeding is pending or pursuant to the permission of the
18 court, thereafter, to fail to produce the minor in the court
19 or deliver the minor to the person designated by the court.

20 ~~(6)(5)~~ It is a defense under this section that a
21 person who leads, takes, entices, or removes a minor beyond
22 the limits of the state reasonably believes that his or her
23 action was necessary to protect the minor from child abuse as
24 defined in s. 827.03.

25 ~~(7)(6)~~ Any person who violates this section is guilty
26 of a felony of the third degree, punishable as provided in s.
27 775.082, s. 775.083, or s. 775.084.

28 Section 3. For the purpose of incorporating the
29 amendment to section 741.31, Florida Statutes, 1998
30 Supplement, in references thereto, subsection (6) of section
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1 901.15, Florida Statutes, 1998 Supplement, is reenacted to
2 read:

3 901.15 When arrest by officer without warrant is
4 lawful.--A law enforcement officer may arrest a person without
5 a warrant when:

6 (6) There is probable cause to believe that the person
7 has committed a criminal act according to s. 790.233 or
8 according to s. 741.31 or s. 784.047 which violates an
9 injunction for protection entered pursuant to s. 741.30 or s.
10 784.046, or a foreign protection order accorded full faith and
11 credit pursuant to s. 741.315, over the objection of the
12 petitioner, if necessary.

13 Section 4. This act shall take effect upon becoming a
14 law.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 370

19 Deletes reference to repeat violence injunctions in section 2
20 of the bill.

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