

1 A bill to be entitled
2 An act relating to domestic violence; amending
3 s. 741.31, F.S.; providing that it is unlawful
4 for a person subject to an injunction for
5 protection against domestic violence to refuse
6 to surrender any firearm or ammunition in his
7 or her custody, or to interfere with or
8 obstruct a law enforcement officer enforcing
9 the injunction; providing a penalty; amending
10 s. 787.04, F.S.; providing that it is unlawful
11 for any noncustodial parent or respondent
12 subject to an injunction for protection against
13 domestic violence to lead, take, entice, or
14 remove a minor from the custodial parent or any
15 child care provider or other person entrusted
16 by the custodial parent with the care of the
17 minor or to conceal the location of the minor,
18 in violation of the injunction; providing a
19 penalty; reenacting s. 901.15(6), F.S.,
20 relating to when an arrest is made by a law
21 enforcement officer without a warrant to
22 incorporate said amendment in a reference;
23 creating s. 938.14, F.S.; providing for
24 imposition of an additional mandatory court
25 cost upon a person found to have committed an
26 act of domestic violence; providing for waiver
27 of the court cost; providing for collection by
28 the clerk of the court; providing for deposit
29 of such court costs in the Domestic Violence
30 Trust Fund; providing for certain disbursements
31 in accordance with specified provisions

1 relating to funding of domestic violence
2 centers; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsection (4) of section 741.31, Florida
7 Statutes, 1998 Supplement, is amended to read:

8 741.31 Violation of an injunction for protection
9 against domestic violence.--

10 (4)(a) A person who willfully violates an injunction
11 for protection against domestic violence issued pursuant to s.
12 741.30, or a foreign protection order accorded full faith and
13 credit pursuant to s. 741.315, by:

14 1. Refusing to vacate the dwelling that the parties
15 share;

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

19 3. Committing an act of domestic violence against the
20 petitioner;

21 4. Committing any other violation of the injunction
22 through an intentional unlawful threat, word, or act to do
23 violence to the petitioner; or

24 5. Telephoning, contacting, or otherwise communicating
25 with the petitioner directly or indirectly, unless the
26 injunction specifically allows indirect contact through a
27 third party

28
29 commits a misdemeanor of the first degree, punishable as
30 provided in s. 775.082 or s. 775.083.

31

1 (b)1. It is a violation of s. 790.233, and a
2 misdemeanor of the first degree, punishable as provided in s.
3 775.082 or s. 775.083, for a person to violate a final
4 injunction for protection against domestic violence by having
5 in his or her care, custody, possession, or control any
6 firearm or ammunition.

7 2. It is the intent of the Legislature that the
8 disabilities regarding possession of firearms and ammunition
9 are consistent with federal law. Accordingly, this paragraph
10 shall not apply to a state or local officer as defined in s.
11 943.10(14), holding an active certification, who receives or
12 possesses a firearm or ammunition for use in performing
13 official duties on behalf of the officer's employing agency,
14 unless otherwise prohibited by the employing agency.

15 (c) It is a misdemeanor of the first degree for any
16 person subject to a final injunction for protection against
17 domestic violence to refuse to surrender any firearm or
18 ammunition in his or her care, custody, possession, or
19 control, or to interfere with or obstruct a law enforcement
20 officer enforcing the provisions of paragraph (b).

21 Section 2. Section 787.04, Florida Statutes, is
22 amended to read:

23 787.04 Removing minors from state or concealing minors
24 contrary to state agency order or court order.--

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

29 (2) It is unlawful for any person, with criminal
30 intent, to lead, take, entice, or remove a minor beyond the
31 limits of this state, or to conceal the location of a minor,

1 during the pendency of any action or proceeding affecting
2 custody of the minor, after having received notice as required
3 by law of the pendency of the action or proceeding, without
4 the permission of the court in which the action or proceeding
5 is pending.

6 (3) It is unlawful for any person, with criminal
7 intent, to lead, take, entice, or remove a minor beyond the
8 limits of this state, or to conceal the location of a minor,
9 during the pendency of a dependency proceeding affecting such
10 minor or during the pendency of any investigation, action, or
11 proceeding concerning the alleged abuse or neglect of such
12 minor, after having received notice of the pendency of such
13 investigation, action, or proceeding and without the
14 permission of the state agency or court in which the
15 investigation, action, or proceeding is pending.

16 (4) It is unlawful for any noncustodial parent or
17 respondent subject to an injunction for protection against
18 domestic violence with personal knowledge of the injunction to
19 lead, take, entice, or remove a minor from the custodial
20 parent or any child care provider or other person entrusted by
21 the custodial parent with the care of the minor, or to conceal
22 the location of the minor in violation of the injunction.

23 ~~(5)(4)~~ It is unlawful for any person, who has carried
24 beyond the limits of this state any minor whose custody is
25 involved in any action or proceeding pending in this state
26 pursuant to the order of the court in which the action or
27 proceeding is pending or pursuant to the permission of the
28 court, thereafter, to fail to produce the minor in the court
29 or deliver the minor to the person designated by the court.

30 ~~(6)(5)~~ It is a defense under this section that a
31 person who leads, takes, entices, or removes a minor beyond

1 the limits of the state reasonably believes that his or her
2 action was necessary to protect the minor from child abuse as
3 defined in s. 827.03.

4 ~~(7)(6)~~ Any person who violates this section is guilty
5 of a felony of the third degree, punishable as provided in s.
6 775.082, s. 775.083, or s. 775.084.

7 Section 3. For the purpose of incorporating the
8 amendment to section 741.31, Florida Statutes, 1998
9 Supplement, in references thereto, subsection (6) of section
10 901.15, Florida Statutes, 1998 Supplement, is reenacted to
11 read:

12 901.15 When arrest by officer without warrant is
13 lawful.--A law enforcement officer may arrest a person without
14 a warrant when:

15 (6) There is probable cause to believe that the person
16 has committed a criminal act according to s. 790.233 or
17 according to s. 741.31 or s. 784.047 which violates an
18 injunction for protection entered pursuant to s. 741.30 or s.
19 784.046, or a foreign protection order accorded full faith and
20 credit pursuant to s. 741.315, over the objection of the
21 petitioner, if necessary.

22 Section 4. Section 938.14, Florida Statutes, is
23 created to read:

24 938.14 Additional court costs in domestic violence
25 cases.--

26 (1) When a person pleads guilty or nolo contendere to,
27 or is found guilty or convicted of, regardless of
28 adjudication, an act of domestic violence as defined in s.
29 741.28, there shall be imposed on the person as a cost in the
30 case, in addition to any other cost or penalty required to be
31 imposed by law, a court cost in the sum of \$36. This

1 additional court cost shall be assessed against the person
2 unless specifically waived by the court on the record.

3 (2) The clerk of the court shall collect the
4 respective \$36 assessments for court costs provided for in
5 this section and, on a monthly basis, transfer the moneys
6 collected to the State Treasury for deposit in the designated
7 account of the Domestic Violence Trust Fund for disbursement
8 in accordance with s. 741.01(2).

9 Section 5. This act shall take effect upon becoming a
10 law.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31