

1
2 An act relating to domestic violence; amending
3 ss. 25.385, 39.902, 741.28, and 943.171, F.S.;
4 redefining the terms "domestic violence" and
5 "family or household member"; amending s.
6 28.241, F.S.; deleting reference to limitations
7 on filing fees for domestic violence
8 injunctions to conform to the act; amending s.
9 39.903, F.S.; providing duty of the Department
10 of Children and Family Services to operate the
11 domestic violence program; amending ss.
12 390.01115, 470.002, 626.9541, 641.3903,
13 985.213, and 985.215, F.S.; correcting cross
14 references; amending s. 741.281, F.S.; deleting
15 requirement that a court order certain
16 defendants to attend a batterers' intervention
17 program; amending s. 741.2902, F.S.; deleting
18 provisions relating to filing fees and costs to
19 conform to the act; amending s. 741.30, F.S.;
20 eliminating the filing fee and revising
21 provisions for reimbursement of costs for
22 issuance of such injunctions; specifying when a
23 person has standing to file a petition for an
24 injunction against domestic violence;
25 specifying where the petition may be filed;
26 providing for incidents that describe violence
27 or threats of violence; specifying when a court
28 may grant relief; providing factors for the
29 court to consider in determining imminent
30 danger; providing for recording of proceedings;
31 providing for the presence of an advocate from

1 a state attorney's office, law enforcement
2 agency, or domestic violence center at
3 injunction proceedings, upon request; amending
4 s. 741.31, F.S.; specifying additional acts
5 that violate an injunction against domestic
6 violence; providing a penalty; amending s.
7 938.01, F.S.; revising provisions relating to
8 distribution of additional court costs assessed
9 in specified circumstances; repealing s. 4(2)
10 of ch. 2001-184, Laws of Florida, and s. 7(2)
11 of ch. 2001-232, Laws of Florida, relating to
12 the transfer of certain funds for
13 administration of the Prevention of Domestic
14 and Sexual Violence Program; repealing s.
15 741.466, F.S., relating to transfer of the
16 Prevention of Domestic and Sexual Violence
17 Program from the Department of Community
18 Affairs to the Department of Children and
19 Family Services; amending s. 784.046, F.S.;
20 providing for actions by victims of dating
21 violence; providing a definition; providing a
22 cause of action for an injunction for
23 protection in cases of dating violence;
24 providing a procedure for filing a petition;
25 providing for a hearing and temporary or final
26 judgment; redesignating the Domestic and Repeat
27 Violence Injunction Statewide Verification
28 System as the Domestic, Dating, and Repeat
29 Violence Injunction Statewide Verification
30 System; providing for notice to the sheriff;
31 amending ss. 784.047 and 784.048, F.S.;

1 providing penalties for violating an injunction
2 for protection against dating violence;
3 providing a violation of such injunction
4 constitutes the offense of aggravated stalking;
5 providing a penalty; providing effective dates.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Subsection (2) of section 25.385, Florida
10 Statutes, is amended to read:

11 25.385 Standards for instruction of circuit and county
12 court judges in handling domestic violence cases.--

13 (2) As used in this section:

14 (a) The term "domestic violence" has the meaning set
15 forth in s. 741.28 ~~means any assault, battery, sexual assault,~~
16 ~~sexual battery, or any criminal offense resulting in physical~~
17 ~~injury or death of one family or household member by another,~~
18 ~~who is or was residing in the same single dwelling unit.~~

19 (b) "Family or household member" has the meaning set
20 forth in s. 741.28 ~~means spouse, former spouse, persons~~
21 ~~related by blood or marriage, persons who are presently~~
22 ~~residing together, as if a family, or who have resided~~
23 ~~together in the past, as if a family, and persons who have a~~
24 ~~child in common regardless of whether they have been married~~
25 ~~or have resided together at any time.~~

26 Section 2. Subsection (5) of section 28.241, Florida
27 Statutes, is amended to read:

28 28.241 Filing charges for trial and appellate
29 proceedings.--

30 (5) The fees prescribed in this section do not include
31 the service charges required by law for the clerk as provided

1 in s. 28.24 or by other sections of the Florida Statutes.
2 Service charges authorized by this section may not be added to
3 any civil penalty imposed by chapter 316 or chapter 318. ~~Fees~~
4 ~~for injunctions concerning domestic violence shall be limited~~
5 ~~as provided in s. 741.30(2)(a).~~

6 Section 3. Subsections (1) and (3) of section 39.902,
7 Florida Statutes, are amended to read:

8 39.902 Definitions.--As used in this part, the term:

9 (1) "Domestic violence" has the meaning set forth in
10 s. 741.28 ~~means any assault, battery, sexual assault, sexual~~
11 ~~battery, or any criminal offense resulting in physical injury~~
12 ~~or death of one family or household member by another who is~~
13 ~~or was residing in the same single dwelling unit.~~

14 (3) "Family or household member" has the meaning set
15 forth in s. 741.28 ~~means spouses, former spouses, adults~~
16 ~~related by blood or marriage, persons who are presently~~
17 ~~residing together as if a family or who have resided together~~
18 ~~in the past as if a family, and persons who have a child in~~
19 ~~common regardless of whether they have been married or have~~
20 ~~resided together at any time.~~

21 Section 4. Subsections (3), (4), (5), and (6) of
22 section 39.903, Florida Statutes, are renumbered as
23 subsections (4), (5), (6), and (7), respectively, and a new
24 subsection (3) is added to said section, to read:

25 39.903 Duties and functions of the department with
26 respect to domestic violence.--

27 (3) The department shall operate the domestic violence
28 program, which provides supervision, direction, coordination,
29 and administration of statewide activities related to the
30 prevention of domestic violence.

31

1 Section 5. Paragraphs (b) and (e) of subsection (2) of
2 section 390.01115, Florida Statutes, are amended to read:

3 390.01115 Parental Notice of Abortion Act.--

4 (2) DEFINITIONS.--As used in this section, the term:

5 (b) "Child abuse" has the meaning ascribed in s.
6 39.0015(3) and refers to the acts of child abuse against a
7 minor by a family member as defined in s. 741.28(2).

8 (e) "Sexual abuse" has the meaning ascribed in s.
9 39.01 and refers to the acts of sexual abuse against a minor
10 by a family member as defined in s. 741.28(2).

11 Section 6. Subsection (18) of section 470.002, Florida
12 Statutes, is amended to read:

13 470.002 Definitions.--As used in this chapter:

14 (18) "Legally authorized person" means, in the
15 priority listed, the decedent, when written inter vivos
16 authorizations and directions are provided by the decedent,
17 the surviving spouse, unless the spouse has been arrested for
18 committing against the deceased an act of domestic violence as
19 defined in s. 741.28(1), a son or daughter who is 18 years of
20 age or older, a parent, a brother or sister 18 years of age or
21 over, a grandchild who is 18 years of age or older, or a
22 grandparent; or any person in the next degree of kinship. In
23 addition, the term may include, if no family exists or is
24 available, the following: the guardian of the dead person at
25 the time of death; the personal representative of the
26 deceased; the attorney in fact of the dead person at the time
27 of death; the health surrogate of the dead person at the time
28 of death; a public health officer; the medical examiner,
29 county commission or administrator acting under chapter 245,
30 or other public administrator; a representative of a nursing
31 home or other health care institution in charge of final

1 disposition; or a friend or other person not listed in this
2 subsection who is willing to assume the responsibility as
3 authorized person.

4 Section 7. Paragraph (g) of subsection (1) of section
5 626.9541, Florida Statutes, is amended to read:

6 626.9541 Unfair methods of competition and unfair or
7 deceptive acts or practices defined.--

8 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR
9 DECEPTIVE ACTS.--The following are defined as unfair methods
10 of competition and unfair or deceptive acts or practices:

11 (g) Unfair discrimination.--

12 1. Knowingly making or permitting any unfair
13 discrimination between individuals of the same actuarially
14 supportable class and equal expectation of life, in the rates
15 charged for any life insurance or annuity contract, in the
16 dividends or other benefits payable thereon, or in any other
17 of the terms and conditions of such contract.

18 2. Knowingly making or permitting any unfair
19 discrimination between individuals of the same actuarially
20 supportable class and essentially the same hazard, in the
21 amount of premium, policy fees, or rates charged for any
22 policy or contract of accident, disability, or health
23 insurance, in the benefits payable thereunder, in any of the
24 terms or conditions of such contract, or in any other manner
25 whatever.

26 3. For a health insurer, life insurer, disability
27 insurer, property and casualty insurer, automobile insurer, or
28 managed care provider to underwrite a policy, or refuse to
29 issue, reissue, or renew a policy, refuse to pay a claim,
30 cancel or otherwise terminate a policy, or increase rates
31 based upon the fact that an insured or applicant who is also

1 the proposed insured has made a claim or sought or should have
2 sought medical or psychological treatment in the past for
3 abuse, protection from abuse, or shelter from abuse, or that a
4 claim was caused in the past by, or might occur as a result
5 of, any future assault, battery, or sexual assault by a family
6 or household member upon another family or household member as
7 defined in s. 741.28(2). A health insurer, life insurer,
8 disability insurer, or managed care provider may refuse to
9 underwrite, issue, or renew a policy based on the applicant's
10 medical condition, but shall not consider whether such
11 condition was caused by an act of abuse. For purposes of this
12 section, the term "abuse" means the occurrence of one or more
13 of the following acts:

- 14 a. Attempting or committing assault, battery, sexual
15 assault, or sexual battery;
- 16 b. Placing another in fear of imminent serious bodily
17 injury by physical menace;
- 18 c. False imprisonment;
- 19 d. Physically or sexually abusing a minor child; or
- 20 e. An act of domestic violence as defined in s.
21 741.28.

22
23 This subparagraph does not prohibit a property and casualty
24 insurer or an automobile insurer from excluding coverage for
25 intentional acts by the insured if such exclusion does not
26 constitute an act of unfair discrimination as defined in this
27 paragraph.

28 Section 8. Paragraph (b) of subsection (12) of section
29 641.3903, Florida Statutes, is amended to read:

30 641.3903 Unfair methods of competition and unfair or
31 deceptive acts or practices defined.--The following are

1 defined as unfair methods of competition and unfair or
2 deceptive acts or practices:

3 (12) PROHIBITED DISCRIMINATORY PRACTICES.--A health
4 maintenance organization may not:

5 (b) Refuse to provide services or care to a subscriber
6 solely because medical services may be or have been sought for
7 injuries resulting from an assault, battery, sexual assault,
8 sexual battery, or any other offense by a family or household
9 member, as defined in s. 741.28~~(2)~~, or by another who is or
10 was residing in the same dwelling unit.

11 Section 9. Section 741.28, Florida Statutes, is
12 amended to read:

13 741.28 Domestic violence; definitions.--As used in ss.
14 741.28-741.31:

15 (1)~~(3)~~ "Department" means the Florida Department of
16 Law Enforcement.

17 (2)~~(1)~~ "Domestic violence" means any assault,
18 aggravated assault, battery, aggravated battery, sexual
19 assault, sexual battery, stalking, aggravated stalking,
20 kidnapping, false imprisonment, or any criminal offense
21 resulting in physical injury or death of one family or
22 household member by another family or household member ~~who is~~
23 ~~or was residing in the same single dwelling unit.~~

24 (3)~~(2)~~ "Family or household member" means spouses,
25 former spouses, persons related by blood or marriage, persons
26 who are presently residing together as if a family or who have
27 resided together in the past as if a family, and persons who
28 are parents of ~~have~~ a child in common regardless of whether
29 they have been married ~~or have resided together at any time.~~
30 With the exception of persons who have a child in common, the
31

1 family or household members must be currently residing or have
2 in the past resided together in the same single dwelling unit.

3 (4) "Law enforcement officer" means any person who is
4 elected, appointed, or employed by any municipality or the
5 state or any political subdivision thereof who meets the
6 minimum qualifications established in s. 943.13 and is
7 certified as a law enforcement officer under s. 943.1395.

8 Section 10. Section 741.281, Florida Statutes, is
9 amended to read:

10 741.281 Court to order batterers' intervention program
11 attendance.--If a person is found guilty of, has had
12 adjudication withheld on, or has pled nolo contendere to a
13 crime of domestic violence, as defined in s. 741.28, that
14 person shall be ordered by the court to a minimum term of 1
15 year's probation and the court shall order that the defendant
16 attend a batterers' intervention program as a condition of
17 probation. ~~If a person is admitted to a pretrial diversion~~
18 ~~program and has been charged with an act of domestic violence,~~
19 ~~as defined in s. 741.28, the court shall order as a condition~~
20 ~~of the program that the defendant attend a batterers'~~
21 ~~intervention program.~~The court must impose the condition of
22 the batterers' intervention program for a defendant admitted
23 to pretrial diversion under this section, but the court, in
24 its discretion, may determine not to impose the condition if
25 it states on the record why a batterers' intervention program
26 might be inappropriate. The court must impose the condition
27 of the batterers' intervention program for a defendant placed
28 on probation unless the court determines that the person does
29 not qualify for the batterers' intervention program pursuant
30 to s. 741.325. Effective July 1, 2002, the batterers'
31 intervention program must be a certified program under s.

1 741.32. The imposition of probation under this section shall
2 not preclude the court from imposing any sentence of
3 imprisonment authorized by s. 775.082.

4 Section 11. Paragraph (f) of subsection (2) of section
5 741.2902, Florida Statutes, is amended to read:

6 741.2902 Domestic violence; legislative intent with
7 respect to judiciary's role.--

8 (2) It is the intent of the Legislature, with respect
9 to injunctions for protection against domestic violence,
10 issued pursuant to s. 741.30, that the court shall:

11 ~~(f) Consider requiring the respondent to pay, to the~~
12 ~~clerk of the court and sheriff, filing fees and costs waived~~
13 ~~pursuant to s. 741.30(2)(a), or to reimburse the petitioner~~
14 ~~for filing fees and costs paid by the petitioner.~~

15 Section 12. Effective October 1, 2002, paragraph (a)
16 of subsection (2) of section 741.30, Florida Statutes, is
17 amended to read:

18 741.30 Domestic violence; injunction; powers and
19 duties of court and clerk; petition; notice and hearing;
20 temporary injunction; issuance of injunction; statewide
21 verification system; enforcement.--

22 (2)(a) Notwithstanding any other provision of law, the
23 assessment of a filing fee for a petition for protection
24 against domestic violence is prohibited effective October 1,
25 2002. However, subject to legislative appropriation, the clerk
26 of the circuit court may, on a quarterly basis, submit to the
27 Office of the State Courts Administrator a certified request
28 for reimbursement for petitions for protection against
29 domestic violence issued by the court, at the rate of \$40 per
30 petition. The request for reimbursement shall be submitted in
31 the form and manner prescribed by the Office of the State

1 Courts Administrator. From this reimbursement, the clerk
2 shall pay any law enforcement agency serving the injunction
3 the fee requested by the law enforcement agency; however, this
4 fee shall not exceed \$20.~~Notwithstanding any other provision~~
5 ~~of law, the total charge, including any administration fees,~~
6 ~~law enforcement agency charges, and court costs or service~~
7 ~~charges, for any court to issue an injunction concerning~~
8 ~~domestic violence under chapter 741 or chapter 784 shall not~~
9 ~~exceed \$50. The total charge by any law enforcement agency to~~
10 ~~serve an injunction or restraining order concerning violence~~
11 ~~shall not exceed \$20. The remaining \$30 fee collected for an~~
12 ~~injunction under chapter 741 shall only be applied to the~~
13 ~~initial \$40 service charge collected by the clerk of the court~~
14 ~~as provided in s. 28.241(1). In the event the victim does not~~
15 ~~have sufficient funds with which to pay filing fees to the~~
16 ~~clerk of the court or service fees to the sheriff or law~~
17 ~~enforcement agency and signs an affidavit stating so, the fees~~
18 ~~shall be waived by the clerk of the court or the sheriff or~~
19 ~~law enforcement agency to the extent necessary to process the~~
20 ~~petition and serve the injunction, subject to a subsequent~~
21 ~~order of the court relative to the payment of such fees.~~

22 Section 13. Subsections (1), (3), and (6) of section
23 741.30, Florida Statutes, are amended, subsections (7), (8),
24 and (9) are renumbered as subsections (8), (9), and (10),
25 respectively, and a new subsection (7) is added to said
26 section, to read:

27 741.30 Domestic violence; injunction; powers and
28 duties of court and clerk; petition; notice and hearing;
29 temporary injunction; issuance of injunction; statewide
30 verification system; enforcement.--

31

1 (1) There is created a cause of action for an
2 injunction for protection against domestic violence.

3 (a) Any person described in paragraph (e), who is
4 either the victim of ~~any act of~~ domestic violence as defined
5 in s. 741.28, or has reasonable cause to believe he or she is
6 in imminent danger of becoming the victim of any act of
7 domestic violence, has standing in the circuit court to file a
8 sworn petition for an injunction for protection against
9 domestic violence.

10 (b) This cause of action for an injunction may be
11 sought whether or not any other cause of action is currently
12 pending between the parties. However, the pendency of any such
13 cause of action shall be alleged in the petition.

14 (c) In the event a subsequent cause of action is filed
15 under chapter 61, any orders entered therein shall take
16 precedence over any inconsistent provisions of an injunction
17 issued under this section which addresses matters governed by
18 chapter 61.

19 (d) A person's right to petition for an injunction
20 shall not be affected by such person having left a residence
21 or household to avoid domestic violence.

22 (e) This cause of action for an injunction may be
23 sought by family or household members. No person shall be
24 precluded from seeking injunctive relief pursuant to this
25 chapter solely on the basis that such person is not a spouse.

26 (f) This cause of action for an injunction shall not
27 require that either party be represented by an attorney.

28 (g) Any person, including an officer of the court, who
29 offers evidence or recommendations relating to the cause of
30 action must either present the evidence or recommendations in
31 writing to the court with copies to each party and their

1 attorney, or must present the evidence under oath at a hearing
2 at which all parties are present.

3 (h) Nothing in this section shall affect the title to
4 any real estate.

5 (i) The court is prohibited from issuing mutual orders
6 of protection. This does not preclude the court from issuing
7 separate injunctions for protection against domestic violence
8 where each party has complied with the provisions of this
9 section. Compliance with the provisions of this section cannot
10 be waived.

11 (j) Notwithstanding any provision of chapter 47, a
12 petition for an injunction for protection against domestic
13 violence may be filed in the circuit where the petitioner
14 currently or temporarily resides, where the respondent
15 resides, or where the domestic violence occurred. There is no
16 minimum requirement of residency to petition for an injunction
17 for protection.

18 (3)(a) The sworn petition shall allege the existence
19 of such domestic violence and shall include the specific facts
20 and circumstances upon the basis of which relief is sought.

21 (b) The sworn petition shall be in substantially the
22 following form:

23

24

PETITION FOR

25

INJUNCTION FOR PROTECTION

26

AGAINST DOMESTIC VIOLENCE

27

28 Before me, the undersigned authority, personally appeared
29 Petitioner ...(Name)..., who has been sworn and says that the
30 following statements are true:

31

(a) Petitioner resides at: ...(address)...

1 (Petitioner may furnish address to the court in a
2 separate confidential filing if, for safety reasons, the
3 petitioner requires the location of the current residence to
4 be confidential.)
5 (b) Respondent resides at: ...(last known address)...
6 (c) Respondent's last known place of employment:
7 ...(name of business and address)...
8 (d) Physical description of respondent:
9 Race....
10 Sex....
11 Date of birth....
12 Height....
13 Weight....
14 Eye color....
15 Hair color....
16 Distinguishing marks or scars....
17 (e) Aliases of respondent:
18 (f) Respondent is the spouse or former spouse of the
19 petitioner or is any other person related by blood or marriage
20 to the petitioner or is any other person who is or was
21 residing within a single dwelling unit with the petitioner, as
22 if a family, or is a person with whom the petitioner has a
23 child in common, regardless of whether the petitioner and
24 respondent are or were married or residing together, as if a
25 family.
26 (g) The following describes any other cause of action
27 currently pending between the petitioner and respondent:
28
29 The petitioner should also describe any previous or
30 pending attempts by the petitioner to obtain an injunction for
31

1 protection against domestic violence in this or any other
 2 circuit, and the results of that attempt.....
 3
 4 Case numbers should be included if available.

5 (h) Petitioner is either a victim of domestic violence
 6 ~~has suffered~~ or has reasonable cause to believe he or she is
 7 in imminent danger of becoming a victim of ~~fear imminent~~
 8 domestic violence because respondent has....(mark all
 9 sections that apply and describe in the spaces below the
 10 incidents of violence or threats of violence, specifying when
 11 and where they occurred, including, but not limited to,
 12 locations such as a home, school, place of employment, or
 13 visitation exchange)....:

14committed or threatened to commit domestic violence
 15 defined in s. 741.28, Florida Statutes, as any assault,
 16 aggravated assault, battery, aggravated battery, sexual
 17 assault, sexual battery, stalking, aggravated stalking,
 18 kidnapping, false imprisonment, or any criminal offense
 19 resulting in physical injury or death of one family or
 20 household member by another. With the exception of persons who
 21 are parents of a child in common, the family or household
 22 members must be currently residing or have in the past resided
 23 together in the same single dwelling unit.

24previously threatened, harassed, stalked, or
 25 physically abused the petitioner.

26attempted to harm the petitioner or family members
 27 or individuals closely associated with the petitioner.

28threatened to conceal, kidnap, or harm the
 29 petitioner's child or children.

30intentionally injured or killed a family pet.
 31

- 1 used, or has threatened to use, against the
- 2 petitioner any weapons such as guns or knives.
- 3 physically restrained the petitioner from leaving
- 4 the home or calling law enforcement.
- 5 a criminal history involving violence or the threat
- 6 of violence (if known).
- 7 another order of protection issued against him or
- 8 her previously or from another jurisdiction (if known).
- 9 destroyed personal property, including, but not
- 10 limited to, telephones or other communication equipment,
- 11 clothing, or other items belonging to the petitioner.
- 12 engaged in any other behavior or conduct that leads
- 13 the petitioner to have reasonable cause to believe he or she
- 14 is in imminent danger of becoming a victim of domestic
- 15 violence.

16 (i) Petitioner alleges the following additional
 17 specific facts: (mark appropriate sections)

18 Petitioner is the custodian of a minor child or
 19 children whose names and ages are as follows:

20 Petitioner needs the exclusive use and possession
 21 of the dwelling that the parties share.

22 Petitioner is unable to obtain safe alternative
 23 housing because:

24 Petitioner genuinely fears that respondent
 25 imminently will abuse, remove, or hide the minor child or
 26 children from petitioner because:
 27

28 (j) Petitioner genuinely fears imminent domestic
 29 violence by respondent.

30 (k) Petitioner seeks an injunction: (mark appropriate
 31 section or sections)

1 Immediately restraining the respondent from
2 committing any acts of domestic violence.

3 Restraining the respondent from committing any acts
4 of domestic violence.

5 Awarding to the petitioner the temporary exclusive
6 use and possession of the dwelling that the parties share or
7 excluding the respondent from the residence of the petitioner.

8 Awarding temporary custody of, or temporary
9 visitation rights with regard to, the minor child or children
10 of the parties, or prohibiting or limiting visitation to that
11 which is supervised by a third party.

12 Establishing temporary support for the minor child
13 or children or the petitioner.

14 Directing the respondent to participate in a
15 batterers' intervention program or other treatment pursuant to
16 s. 39.901, Florida Statutes.

17 Providing any terms the court deems necessary for
18 the protection of a victim of domestic violence, or any minor
19 children of the victim, including any injunctions or
20 directives to law enforcement agencies.

21 (c) Every petition for an injunction against domestic
22 violence shall contain, directly above the signature line, a
23 statement in all capital letters and bold type not smaller
24 than the surrounding text, as follows:

25
26 I HAVE READ EVERY STATEMENT MADE IN THIS
27 PETITION AND EACH STATEMENT IS TRUE AND
28 CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE
29 IN THIS PETITION ARE BEING MADE UNDER PENALTY
30 OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION
31 837.02, FLORIDA STATUTES.

1 application to the Department of Corrections to become
2 certified under s. 741.325, from which the respondent must
3 choose a program in which to participate. If there are no
4 certified batterers' intervention programs in the circuit, the
5 court shall provide a list of acceptable programs from which
6 the respondent must choose a program in which to participate.

7 6. Referring a petitioner to a certified domestic
8 violence center. The court must provide the petitioner with a
9 list of certified domestic violence centers in the circuit
10 which the petitioner may contact.

11 7. Ordering such other relief as the court deems
12 necessary for the protection of a victim of domestic violence,
13 including injunctions or directives to law enforcement
14 agencies, as provided in this section.

15 **(b) In determining whether a petitioner has reasonable**
16 **cause to believe he or she is in imminent danger of becoming a**
17 **victim of domestic violence, the court shall consider and**
18 **evaluate all relevant factors alleged in the petition,**
19 **including, but not limited to:**

20 **1. The history between the petitioner and the**
21 **respondent, including threats, harassment, stalking, and**
22 **physical abuse.**

23 **2. Whether the respondent has attempted to harm the**
24 **petitioner or family members or individuals closely associated**
25 **with the petitioner.**

26 **3. Whether the respondent has threatened to conceal,**
27 **kidnap, or harm the petitioner's child or children.**

28 **4. Whether the respondent has intentionally injured or**
29 **killed a family pet.**

30

31

1 5. Whether the respondent has used, or has threatened
2 to use, against the petitioner any weapons such as guns or
3 knives.

4 6. Whether the respondent has physically restrained
5 the petitioner from leaving the home or calling law
6 enforcement.

7 7. Whether the respondent has a criminal history
8 involving violence or the threat of violence.

9 8. The existence of a verifiable order of protection
10 issued previously or from another jurisdiction.

11 9. Whether the respondent has destroyed personal
12 property, including, but not limited to, telephones or other
13 communications equipment, clothing, or other items belonging
14 to the petitioner.

15 10. Whether the respondent engaged in any other
16 behavior or conduct that leads the petitioner to have
17 reasonable cause to believe that he or she is in imminent
18 danger of becoming a victim of domestic violence.

19
20 In making its determination under this paragraph, the court is
21 not limited to those factors enumerated in subparagraphs
22 1.-10.

23 ~~(c)(b)~~ The terms of an injunction restraining the
24 respondent under subparagraph (a)1. or ordering other relief
25 for the protection of the victim under subparagraph (a)7.
26 shall remain in effect until modified or dissolved. Either
27 party may move at any time to modify or dissolve the
28 injunction. No specific allegations are required. Such relief
29 may be granted in addition to other civil or criminal
30 remedies.

31

1 (d)~~(c)~~ A temporary or final judgment on injunction for
2 protection against domestic violence entered pursuant to this
3 section shall, on its face, indicate that:

4 1. The injunction is valid and enforceable in all
5 counties of the State of Florida.

6 2. Law enforcement officers may use their arrest
7 powers pursuant to s. 901.15(6) to enforce the terms of the
8 injunction.

9 3. The court had jurisdiction over the parties and
10 matter under the laws of Florida and that reasonable notice
11 and opportunity to be heard was given to the person against
12 whom the order is sought sufficient to protect that person's
13 right to due process.

14 4. The date respondent was served with the temporary
15 or final order, if obtainable.

16 (e)~~(d)~~ An injunction for protection against domestic
17 violence entered pursuant to this section, on its face, may
18 order that the respondent attend a batterers' intervention
19 program as a condition of the injunction. Unless the court
20 makes written factual findings in its judgment or order which
21 are based on substantial evidence, stating why batterers'
22 intervention programs would be inappropriate, the court shall
23 order the respondent to attend a batterers' intervention
24 program if:

25 1. It finds that the respondent willfully violated the
26 ex parte injunction;

27 2. The respondent, in this state or any other state,
28 has been convicted of, had adjudication withheld on, or pled
29 nolo contendere to a crime involving violence or a threat of
30 violence; or
31

1 3. The respondent, in this state or any other state,
2 has had at any time a prior injunction for protection entered
3 against the respondent after a hearing with notice.

4
5 It is mandatory that such programs be certified under s.
6 741.32.

7 ~~(f)(e)~~ The fact that a separate order of protection is
8 granted to each opposing party shall not be legally sufficient
9 to deny any remedy to either party or to prove that the
10 parties are equally at fault or equally endangered.

11 (g)(f) A final judgment on injunction for protection
12 against domestic violence entered pursuant to this section
13 must, on its face, indicate that it is a violation of s.
14 790.233, and a first degree misdemeanor, for the respondent to
15 have in his or her care, custody, possession, or control any
16 firearm or ammunition.

17 (h) All proceedings under this subsection shall be
18 recorded. Recording may be by electronic means as provided by
19 the Rules of Judicial Administration.

20 (7) The court shall allow an advocate from a state
21 attorney's office, an advocate from a law enforcement agency,
22 or an advocate from a certified domestic violence center who
23 is registered under s. 39.905 to be present with the
24 petitioner or respondent during any court proceedings or
25 hearings related to the injunction for protection, provided
26 the petitioner or respondent has made such a request and the
27 advocate is able to be present.

28 Section 14. Paragraph (a) of subsection (4) of section
29 741.31, Florida Statutes, is amended to read:

30 741.31 Violation of an injunction for protection
31 against domestic violence.--

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, or being within 500 feet of, the
8 petitioner's residence, school, place of employment, or a
9 specified place frequented regularly by the petitioner and any
10 named family or household member;

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

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

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

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

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

25 8. Refusing to surrender firearms or ammunition if
26 ordered to do so by the court

27
28 commits a misdemeanor of the first degree, punishable as
29 provided in s. 775.082 or s. 775.083.

30 Section 15. Subsection (2) of section 943.171, Florida
31 Statutes, is amended to read:

1 943.171 Basic skills training in handling domestic
2 violence cases.--

3 (2) As used in this section, the term:

4 (a) "Domestic violence" has the meaning set forth in
5 s. 741.28 ~~means any assault, battery, sexual assault, sexual~~
6 ~~battery, or any criminal offense resulting in the physical~~
7 ~~injury or death of one family or household member by another~~
8 ~~who is or was residing in the same single dwelling unit.~~

9 (b) "Household member" has the meaning set forth in s.
10 741.28(4) ~~means spouse, former spouse, persons related by~~
11 ~~blood or marriage, persons who are presently residing~~
12 ~~together, as if a family, or who have resided together in the~~
13 ~~past, as if a family, and persons who have a child in common~~
14 ~~regardless of whether they have been married or have resided~~
15 ~~together at any time.~~

16 Section 16. Paragraph (b) of subsection (2) of section
17 985.213, Florida Statutes, is amended to read:

18 985.213 Use of detention.--

19 (2)

20 (b)1. The risk assessment instrument for detention
21 care placement determinations and orders shall be developed by
22 the Department of Juvenile Justice in agreement with
23 representatives appointed by the following associations: the
24 Conference of Circuit Judges of Florida, the Prosecuting
25 Attorneys Association, the Public Defenders Association, the
26 Florida Sheriffs Association, and the Florida Association of
27 Chiefs of Police. Each association shall appoint two
28 individuals, one representing an urban area and one
29 representing a rural area. The parties involved shall
30 evaluate and revise the risk assessment instrument as is
31 considered necessary using the method for revision as agreed

1 by the parties. The risk assessment instrument shall take into
2 consideration, but need not be limited to, prior history of
3 failure to appear, prior offenses, offenses committed pending
4 adjudication, any unlawful possession of a firearm, theft of a
5 motor vehicle or possession of a stolen motor vehicle, and
6 probation status at the time the child is taken into custody.
7 The risk assessment instrument shall also take into
8 consideration appropriate aggravating and mitigating
9 circumstances, and shall be designed to target a narrower
10 population of children than s. 985.215(2). The risk assessment
11 instrument shall also include any information concerning the
12 child's history of abuse and neglect. The risk assessment
13 shall indicate whether detention care is warranted, and, if
14 detention care is warranted, whether the child should be
15 placed into secure, nonsecure, or home detention care.

16 2. If, at the detention hearing, the court finds a
17 material error in the scoring of the risk assessment
18 instrument, the court may amend the score to reflect factual
19 accuracy.

20 3. A child who is charged with committing an offense
21 of domestic violence as defined in s. 741.28~~(1)~~ and who does
22 not meet detention criteria may be held in secure detention if
23 the court makes specific written findings that:

24 a. Respite care for the child is not available; and

25 b. It is necessary to place the child in secure
26 detention in order to protect the victim from injury.

27

28 The child may not be held in secure detention under this
29 subparagraph for more than 48 hours unless ordered by the
30 court. After 48 hours, the court shall hold a hearing if the
31 state attorney or victim requests that secure detention be

1 continued. The child may continue to be held in detention care
2 if the court makes a specific, written finding that detention
3 care is necessary to protect the victim from injury. However,
4 the child may not be held in detention care beyond the time
5 limits set forth in s. 985.215.

6 4. For a child who is under the supervision of the
7 department through probation, home detention, nonsecure
8 detention, conditional release, postcommitment probation, or
9 commitment and who is charged with committing a new offense,
10 the risk assessment instrument may be completed and scored
11 based on the underlying charge for which the child was placed
12 under the supervision of the department and the new offense.

13 Section 17. Paragraph (d) of subsection (2) of section
14 985.215, Florida Statutes, is amended to read:

15 985.215 Detention.--

16 (2) Subject to the provisions of subsection (1), a
17 child taken into custody and placed into nonsecure or home
18 detention care or detained in secure detention care prior to a
19 detention hearing may continue to be detained by the court if:

20 (d) The child is charged with committing an offense of
21 domestic violence as defined in s. 741.28~~(1)~~ and is detained
22 as provided in s. 985.213(2)(b)3.

23

24 A child who meets any of these criteria and who is ordered to
25 be detained pursuant to this subsection shall be given a
26 hearing within 24 hours after being taken into custody. The
27 purpose of the detention hearing is to determine the existence
28 of probable cause that the child has committed the delinquent
29 act or violation of law with which he or she is charged and
30 the need for continued detention. Unless a child is detained
31 under paragraph (d) or paragraph (e), the court shall utilize

1 the results of the risk assessment performed by the juvenile
2 probation officer and, based on the criteria in this
3 subsection, shall determine the need for continued detention.
4 A child placed into secure, nonsecure, or home detention care
5 may continue to be so detained by the court pursuant to this
6 subsection. If the court orders a placement more restrictive
7 than indicated by the results of the risk assessment
8 instrument, the court shall state, in writing, clear and
9 convincing reasons for such placement. Except as provided in
10 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
11 paragraph (10)(c), or paragraph (10)(d), when a child is
12 placed into secure or nonsecure detention care, or into a
13 respite home or other placement pursuant to a court order
14 following a hearing, the court order must include specific
15 instructions that direct the release of the child from such
16 placement no later than 5 p.m. on the last day of the
17 detention period specified in paragraph (5)(b) or paragraph
18 (5)(c), or subparagraph (10)(a)1., whichever is applicable,
19 unless the requirements of such applicable provision have been
20 met or an order of continuance has been granted pursuant to
21 paragraph (5)(f).

22 Section 18. Effective July 1, 2002, subsection (1) of
23 section 938.01, Florida Statutes, as amended by section 29 of
24 chapter 2001-254, Laws of Florida, section 19 of chapter
25 2001-122, Laws of Florida, section 1 of chapter 2001-184, Laws
26 of Florida, section 3 of chapter 2001-232, Laws of Florida,
27 and section 30 of chapter 2001-254, Laws of Florida, is
28 amended to read:

29 938.01 Additional Court Cost Clearing Trust Fund.--
30 (Substantial rewording of subsection. See
31 s. 938.01(1), F.S., for present text.)

1 (1) All courts created by Art. V of the State
2 Constitution shall, in addition to any fine or other penalty,
3 assess \$3 as a court cost against every person convicted for
4 violation of a state penal or criminal statute or convicted
5 for violation of a municipal or county ordinance. Any person
6 whose adjudication is withheld pursuant to the provisions of
7 s. 318.14(9) or (10) shall also be assessed such cost. In
8 addition, \$3 from every bond estreature or forfeited bail bond
9 related to such penal statutes or penal ordinances shall be
10 remitted to the Department of Revenue as described in this
11 subsection. However, no such assessment may be made against
12 any person convicted for violation of any state statute,
13 municipal ordinance, or county ordinance relating to the
14 parking of vehicles.

15 (a) All costs collected by the courts pursuant to this
16 subsection shall be remitted to the Department of Revenue in
17 accordance with administrative rules adopted by the executive
18 director of the Department of Revenue for deposit in the
19 Additional Court Cost Clearing Trust Fund. These funds and the
20 funds deposited in the Additional Court Cost Clearing Trust
21 Fund pursuant to s. 318.21(2)(c) shall be distributed as
22 follows:

23 1. Ninety-two percent to the Department of Law
24 Enforcement Criminal Justice Standards and Training Trust
25 Fund.

26 2. Six and three-tenths percent to the Department of
27 Law Enforcement Operating Trust Fund for the Criminal Justice
28 Grant Program.

29 3. One and seven-tenths percent to the Department of
30 Children and Family Services Domestic Violence Trust Fund for
31 the domestic violence program pursuant to s. 39.903(3).

1 (b) The funds deposited in the Department of Law
2 Enforcement Criminal Justice Standards and Training Trust
3 Fund, the Department of Law Enforcement Operating Trust Fund,
4 and the Department of Children and Family Services Domestic
5 Violence Trust Fund may be invested. Any interest earned from
6 investing such funds and any unencumbered funds remaining at
7 the end of the budget cycle shall remain in the respective
8 trust fund.

9 (c) All funds in the Department of Law Enforcement
10 Criminal Justice Standards and Training Trust Fund shall be
11 disbursed only in compliance with s. 943.25(9).

12 Section 19. Subsection (2) of section 4 of chapter
13 2001-184, Laws of Florida, and subsection (2) of section 7 of
14 chapter 2001-232, Laws of Florida, are repealed.

15 Section 20. Section 741.466, Florida Statutes, is
16 repealed.

17 Section 21. Effective January 1, 2003, section
18 784.046, Florida Statutes, is amended to read:

19 784.046 Action by victim of repeat violence or dating
20 violence for protective injunction; powers and duties of court
21 and clerk of court; filing and form of petition; notice and
22 hearing; temporary injunction; issuance; statewide
23 verification system; enforcement.--

24 (1) As used in this section, the term:

25 (a) "Violence" means any assault, aggravated assault,
26 battery, aggravated battery, sexual assault,sexual battery,
27 or stalking, aggravated stalking, kidnapping, or false
28 imprisonment, or any criminal offense resulting in physical
29 injury or death,by a person against any other person.

30 (b) "Repeat violence" means two incidents of violence
31 or stalking committed by the respondent, one of which must

1 have been within 6 months of the filing of the petition, which
2 are directed against the petitioner or the petitioner's
3 immediate family member.

4 (c) "Dating violence" means violence between
5 individuals who have or have had a continuing and significant
6 relationship of a romantic or intimate nature. The existence
7 of such a relationship shall be determined based on the
8 consideration of the following factors:

9 1. A dating relationship must have existed within the
10 past 6 months;

11 2. The nature of the relationship must have been
12 characterized by the expectation of affection or sexual
13 involvement between the parties; and

14 3. The frequency and type of interaction between the
15 persons involved in the relationship must have included that
16 the persons have been involved over time and on a continuous
17 basis during the course of the relationship.

18
19 The term does not include violence in a casual
20 acquaintanceship or violence between individuals who only have
21 engaged in ordinary fraternization in a business or social
22 context.

23 (2) There is created a cause of action for an
24 injunction for protection in cases of repeat violence and
25 there is created a separate cause of action for an injunction
26 for protection in cases of dating violence.

27 (a) Any person who is the victim of repeat violence or
28 the parent or legal guardian of any minor child who is living
29 at home and who seeks an injunction for protection against
30 repeat violence on behalf of the minor child has standing in
31

1 the circuit court to file a sworn petition for an injunction
2 for protection against repeat violence.

3 (b) Any person who is the victim of dating violence
4 and has reasonable cause to believe he or she is in imminent
5 danger of becoming the victim of another act of dating
6 violence, or any person who has reasonable cause to believe he
7 or she is in imminent danger of becoming the victim of an act
8 of dating violence, or the parent or legal guardian of any
9 minor child who is living at home and who seeks an injunction
10 for protection against dating violence on behalf of that minor
11 child, has standing in the circuit court to file a sworn
12 petition for an injunction for protection against dating
13 violence.

14 (c)~~(b)~~ This cause of action for an injunction may be
15 sought whether or not any other petition, complaint, or cause
16 of action is currently available or pending between the
17 parties.

18 (d)~~(c)~~ This cause of action for an injunction shall
19 not require that the petitioner be represented by an attorney.

20 (3)(a) The clerk of the court shall provide a copy of
21 this section, simplified forms, and clerical assistance for
22 the preparation and filing of such a petition by any person
23 who is not represented by counsel.

24 (b) In the event the person desiring to file for an
25 injunction pursuant to this section does not have sufficient
26 funds with which to pay filing fees to the clerk of the court
27 or service fees to the sheriff or law enforcement agency and
28 signs an affidavit so stating, the fees shall be waived by the
29 clerk of the court or the sheriff or law enforcement agency to
30 the extent necessary to process the petition and serve the
31

1 injunction, subject to a subsequent order of the court
2 relative to the payment of such fees.

3 (c) No bond shall be required by the court for the
4 entry of an injunction.

5 (d) The clerk of the court shall provide the
6 petitioner with a certified copy of any injunction for
7 protection against repeat violence or dating violence entered
8 by the court.

9 (4)(a) The sworn petition shall allege the incidents
10 of repeat violence or dating violence and shall include the
11 specific facts and circumstances which form the basis upon
12 which relief is sought. With respect to a minor child who is
13 living at home, the parent or legal guardian of the minor
14 child must have been an eyewitness to, or have direct physical
15 evidence or affidavits from eyewitnesses of, the specific
16 facts and circumstances which form the basis upon which relief
17 is sought.

18 (b) The sworn petition shall be in substantially the
19 following form:

20
21 PETITION FOR INJUNCTION FOR PROTECTION
22 AGAINST REPEAT VIOLENCE OR DATING VIOLENCE
23

24 Before me, the undersigned authority, personally
25 appeared Petitioner ...(Name)..., who has been sworn and says
26 that the following statements are true:

- 27
28 1. Petitioner resides at ...(address)..
29 2. Respondent resides at ...(address)..
30
31

1 violence; and an injunction providing any terms the court
2 deems necessary for the protection of the petitioner and the
3 petitioner's immediate family, including any injunctions or
4 directives to law enforcement agencies.

5
6 (5) Upon the filing of the petition, the court shall
7 set a hearing to be held at the earliest possible time. The
8 respondent shall be personally served with a copy of the
9 petition, notice of hearing, and temporary injunction, if any,
10 prior to the hearing.

11 (6)(a) When it appears to the court that an immediate
12 and present danger of ~~repeat~~ violence exists, the court may
13 grant a temporary injunction which may be granted in an ex
14 parte hearing, pending a full hearing, and may grant such
15 relief as the court deems proper, including an injunction
16 enjoining the respondent from committing any acts of ~~repeat~~
17 violence.

18 (b) In a hearing ex parte for the purpose of obtaining
19 such temporary injunction, no evidence other than the verified
20 pleading or affidavit shall be used as evidence, unless the
21 respondent appears at the hearing or has received reasonable
22 notice of the hearing.

23 (c) Any such ex parte temporary injunction shall be
24 effective for a fixed period not to exceed 15 days. A full
25 hearing, as provided by this section, shall be set for a date
26 no later than the date when the temporary injunction ceases to
27 be effective. The court may grant a continuance of the ex
28 parte injunction and the full hearing before or during a
29 hearing, for good cause shown by any party.

30 (7) Upon notice and hearing, the court may grant such
31 relief as the court deems proper, including an injunction:

1 (a) Enjoining the respondent from committing any acts
2 of violence.

3 (b) Ordering such other relief as the court deems
4 necessary for the protection of the petitioner, including
5 injunctions or directives to law enforcement agencies, as
6 provided in this section.

7 (c) The terms of the injunction shall remain in full
8 force and effect until modified or dissolved. Either party may
9 move at any time to modify or dissolve the injunction. Such
10 relief may be granted in addition to other civil or criminal
11 remedies.

12 (d) A temporary or final judgment on injunction for
13 protection against repeat violence or dating violence entered
14 pursuant to this section shall, on its face, indicate that:

15 1. The injunction is valid and enforceable in all
16 counties of the State of Florida.

17 2. Law enforcement officers may use their arrest
18 powers pursuant to s. 901.15(6) to enforce the terms of the
19 injunction.

20 3. The court had jurisdiction over the parties and
21 matter under the laws of Florida and that reasonable notice
22 and opportunity to be heard was given to the person against
23 whom the order is sought sufficient to protect that person's
24 right to due process.

25 4. The date that the respondent was served with the
26 temporary or final order, if obtainable.

27 (8)(a)1. The clerk of the court shall furnish a copy
28 of the petition, notice of hearing, and temporary injunction,
29 if any, to the sheriff or a law enforcement agency of the
30 county where the respondent resides or can be found, who shall
31 serve it upon the respondent as soon thereafter as possible on

1 any day of the week and at any time of the day or night. The
2 clerk of the court shall be responsible for furnishing to the
3 sheriff such information on the respondent's physical
4 description and location as is required by the department to
5 comply with the verification procedures set forth in this
6 section. Notwithstanding any other provision of law to the
7 contrary, the chief judge of each circuit, in consultation
8 with the appropriate sheriff, may authorize a law enforcement
9 agency within the chief judge's jurisdiction to effect this
10 type of service and to receive a portion of the service fee.
11 No person shall be authorized or permitted to serve or execute
12 an injunction issued under this section unless the person is a
13 law enforcement officer as defined in chapter 943.

14 2. When an injunction is issued, if the petitioner
15 requests the assistance of a law enforcement agency, the court
16 may order that an officer from the appropriate law enforcement
17 agency accompany the petitioner and assist in the execution or
18 service of the injunction. A law enforcement officer shall
19 accept a copy of an injunction for protection against repeat
20 violence or dating violence, certified by the clerk of the
21 court, from the petitioner and immediately serve it upon a
22 respondent who has been located but not yet served.

23 (b) There shall be created a Domestic, Dating, and
24 Repeat Violence Injunction Statewide Verification System
25 within the Department of Law Enforcement. The department shall
26 establish, implement, and maintain a statewide communication
27 system capable of electronically transmitting information to
28 and between criminal justice agencies relating to domestic
29 violence injunctions, dating violence injunctions, and repeat
30 violence injunctions issued by the courts throughout the
31 state. Such information must include, but is not limited to,

1 information as to the existence and status of any injunction
2 for verification purposes.

3 (c)1. Within 24 hours after the court issues an
4 injunction for protection against repeat violence or dating
5 violence or changes or vacates an injunction for protection
6 against repeat violence or dating violence, the clerk of the
7 court must forward a copy of the injunction to the sheriff
8 with jurisdiction over the residence of the petitioner.

9 2. Within 24 hours after service of process of an
10 injunction for protection against repeat violence or dating
11 violence upon a respondent, the law enforcement officer must
12 forward the written proof of service of process to the sheriff
13 with jurisdiction over the residence of the petitioner.

14 3. Within 24 hours after the sheriff receives a
15 certified copy of the injunction for protection against repeat
16 violence or dating violence, the sheriff must make information
17 relating to the injunction available to other law enforcement
18 agencies by electronically transmitting such information to
19 the department.

20 4. Within 24 hours after the sheriff or other law
21 enforcement officer has made service upon the respondent and
22 the sheriff has been so notified, the sheriff must make
23 information relating to the service available to other law
24 enforcement agencies by electronically transmitting such
25 information to the department.

26 5. Within 24 hours after an injunction for protection
27 against repeat violence or dating violence is lifted,
28 terminated, or otherwise rendered no longer effective by
29 ruling of the court, the clerk of the court must notify the
30 sheriff or local law enforcement agency receiving original
31 notification of the injunction as provided in subparagraph 2.

1 That agency shall, within 24 hours after receiving such
2 notification from the clerk of the court, notify the
3 department of such action of the court.

4 (9)(a) The court shall enforce, through a civil or
5 criminal contempt proceeding, a violation of an injunction for
6 protection. The court may enforce the respondent's compliance
7 with the injunction by imposing a monetary assessment. The
8 clerk of the court shall collect and receive such assessments.
9 On a monthly basis, the clerk shall transfer the moneys
10 collected pursuant to this paragraph to the State Treasury for
11 deposit in the Crimes Compensation Trust Fund established in
12 s. 960.21.

13 (b) If the respondent is arrested by a law enforcement
14 officer under s. 901.15(10) for committing an act of repeat
15 violence or dating violence in violation of a repeat or dating
16 violence injunction for protection, the respondent shall be
17 held in custody until brought before the court as
18 expeditiously as possible for the purpose of enforcing the
19 injunction and for admittance to bail in accordance with
20 chapter 903 and the applicable rules of criminal procedure,
21 pending a hearing.

22 (10) The petitioner or the respondent may move the
23 court to modify or dissolve an injunction at any time.

24 (11) A law enforcement officer acting in good faith
25 under this section and the officer's employing agency shall be
26 immune from all liability, civil or criminal, that might
27 otherwise be incurred or imposed by reason of the officer's or
28 agency's actions in carrying out the provisions of this
29 section.

30 Section 22. Section 784.047, Florida Statutes, is
31 amended to read:

1 784.047 Penalties for violating protective injunction
2 against ~~repeat~~ violators.--A person who willfully violates an
3 injunction for protection against repeat violence or dating
4 violence, issued pursuant to s. 784.046, or a foreign
5 protection order accorded full faith and credit pursuant to s.
6 741.315 by:

7 (1) Refusing to vacate the dwelling that the parties
8 share;

9 (2) Going to the petitioner's residence, school, place
10 of employment, or a specified place frequented regularly by
11 the petitioner and any named family or household member;

12 (3) Committing an act of repeat violence or dating
13 violence against the petitioner;

14 (4) Committing any other violation of the injunction
15 through an intentional unlawful threat, word, or act to do
16 violence to the petitioner; or

17 (5) Telephoning, contacting, or otherwise
18 communicating with the petitioner directly or indirectly,
19 unless the injunction specifically allows indirect contact
20 through a third party;

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

24 Section 23. Subsection (4) of section 784.048, Florida
25 Statutes, is amended to read:

26 784.048 Stalking; definitions; penalties.--

27 (4) Any person who, after an injunction for protection
28 against repeat violence or dating violence pursuant to s.
29 784.046, or an injunction for protection against domestic
30 violence pursuant to s. 741.30, or after any other
31 court-imposed prohibition of conduct toward the subject person

1 or that person's property, knowingly, willfully, maliciously,
2 and repeatedly follows or harasses another person commits the
3 offense of aggravated stalking, a felony of the third degree,
4 punishable as provided in s. 775.082, s. 775.083, or s.
5 775.084.

6 Section 24. Except as otherwise provided herein, this
7 act shall take effect January 1, 2003.

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