

By the Committee on Judiciary; and Senator Crist

308-1965-03

1 A bill to be entitled
2 An act relating to protective injunctions;
3 providing a short title; amending s. 784.046,
4 F.S.; defining the term "sexual violence";
5 providing for a cause of action for a
6 protective injunction against sexual violence;
7 providing for a petition to be filed when the
8 sexual violence is reported to a law
9 enforcement agency and the victim is
10 cooperating in any investigation or when the
11 respondent who was sentenced to imprisonment
12 for the sexual violence has been or will be
13 released; prohibiting the assessment of filing
14 fees for a petition for protection against
15 repeat violence, sexual violence, or dating
16 violence; providing for the Office of the State
17 Courts Administrator to reimburse the clerks of
18 the court for filing fees, subject to
19 legislative appropriation; conforming the
20 petition required for protection against dating
21 violence and repeat violence to include sexual
22 violence; specifying the period of effect for
23 an ex parte temporary injunction against a
24 respondent released from state prison;
25 providing requirements for serving an
26 injunction; amending ss. 61.1825, 741.2901,
27 741.30, 741.315, 784.047, 784.048, 790.06,
28 790.065, 901.15, and 943.05, F.S., relating to
29 family violence, investigations of injunctions,
30 statewide injunction verification system,
31 foreign protection orders, penalties for

1 violating a protective injunction, stalking,
2 license to carry a concealed weapon, the sale
3 and delivery of firearms, arrest without
4 warrant, and the Criminal Justice Information
5 Program; conforming provisions made by the act;
6 reenacting ss. 61.1827(1), 741.31(4),
7 775.084(1)(d), and 921.0022(3)(g), F.S.,
8 relating to applicants and recipients of child
9 support, violations of an injunction against
10 violence, and the Criminal Punishment Code, to
11 incorporate the amendments to ss. 61.1825,
12 741.2901, 741.30, 741.31, 741.315, 784.046, and
13 784.048, F.S., in references thereto; providing
14 an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. This act may be cited as "The Victim's
19 Freedom Act."

20 Section 2. Section 784.046, Florida Statutes, is
21 amended to read:

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

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

28 (a) "Violence" means any assault, aggravated assault,
29 battery, aggravated battery, sexual assault, sexual battery,
30 stalking, aggravated stalking, kidnapping, or false
31

1 imprisonment, or any criminal offense resulting in physical
2 injury or death, by a person against any other person.

3 (b) "Repeat violence" means two incidents of violence
4 or stalking committed by the respondent, one of which must
5 have been within 6 months of the filing of the petition, which
6 are directed against the petitioner or the petitioner's
7 immediate family member.

8 (c) "Sexual violence" means any one incident of:

9 1. Sexual battery, as defined in chapter 794;

10 2. A lewd or lascivious act, as defined in chapter
11 800, committed upon or in the presence of a person younger
12 than 16 years of age;

13 3. Luring or enticing a child, as described in chapter
14 787;

15 4. Sexual performance by a child, as described in
16 chapter 827; or

17 5. Any other forcible felony wherein a sexual act is
18 committed or attempted,

19
20 regardless of whether criminal charges based on the incident
21 were filed, reduced, or dismissed by the state attorney.

22 ~~(d)~~(e) "Dating violence" means violence between

23 individuals who have or have had a continuing and significant
24 relationship of a romantic or intimate nature. The existence
25 of such a relationship shall be determined based on the
26 consideration of the following factors:

27 1. A dating relationship must have existed within the
28 past 6 months;

29 2. The nature of the relationship must have been
30 characterized by the expectation of affection or sexual
31 involvement between the parties; and

1 3. The frequency and type of interaction between the
2 persons involved in the relationship must have included that
3 the persons have been involved over time and on a continuous
4 basis during the course of the relationship.

5
6 The term does not include violence in a casual
7 acquaintanceship or violence between individuals who only have
8 engaged in ordinary fraternization in a business or social
9 context.

10 (2) There is created a separate cause of action for an
11 injunction for protection in each of the following cases of
12 ~~repeat violence;~~ and there is created a ~~separate cause of~~
13 ~~action for an injunction for protection in cases of dating~~
14 ~~violence.~~

15 (a) Any person who is the victim of repeat violence or
16 the parent or legal guardian of any minor child who is living
17 at home and who seeks an injunction for protection against
18 repeat violence on behalf of the minor child has standing in
19 the circuit court to file a sworn petition for an injunction
20 for protection against repeat violence.

21 (b) Any person who is the victim of dating violence
22 and has reasonable cause to believe he or she is in imminent
23 danger of becoming the victim of another act of dating
24 violence, or any person who has reasonable cause to believe he
25 or she is in imminent danger of becoming the victim of an act
26 of dating violence, or the parent or legal guardian of any
27 minor child who is living at home and who seeks an injunction
28 for protection against dating violence on behalf of that minor
29 child, has standing in the circuit court to file a sworn
30 petition for an injunction for protection against dating
31 violence.

1 (c) A person who is the victim of sexual violence or
2 the parent or legal guardian of a minor child who is living at
3 home who is the victim of sexual violence has standing in the
4 circuit court to file a sworn petition for an injunction for
5 protection against sexual violence on his or her own behalf or
6 on behalf of the minor child if:

7 1. The person has reported the sexual violence to a
8 law enforcement agency and is cooperating in any criminal
9 proceeding against the respondent, regardless of whether
10 criminal charges based on the sexual violence have been filed,
11 reduced, or dismissed by the state attorney; or

12 2. The respondent who committed the sexual violence
13 against the victim or minor child was sentenced to a term of
14 imprisonment in state prison for the sexual violence and the
15 respondent's term of imprisonment has expired or is due to
16 expire within 90 days following the date the petition is
17 filed.

18
19 ~~(c)~~ A This cause of action for an injunction under this
20 section may be sought whether or not any other petition,
21 complaint, or cause of action is currently available or
22 pending between the parties. ~~(d)~~ A This cause of action for
23 an injunction under this section does ~~shall~~ not require that
24 the petitioner be represented by an attorney.

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

29 (b) Notwithstanding any other law, the clerk of the
30 court may not assess a fee for filing a petition for
31 protection against repeat violence, sexual violence, or dating

1 violence. However, subject to legislative appropriation, the
2 clerk of the court may, each quarter, submit to the Office of
3 the State Courts Administrator a certified request for
4 reimbursement for petitions for protection issued by the court
5 under this section at the rate of \$40 per petition. The
6 request for reimbursement shall be submitted in the form and
7 manner prescribed by the Office of the State Courts
8 Administrator. From this reimbursement, the clerk shall pay
9 the law enforcement agency serving the injunction the fee
10 requested by the law enforcement agency; however, this fee may
11 not exceed \$20.~~In the event the person desiring to file for~~
12 ~~an injunction pursuant to this section does not have~~
13 ~~sufficient funds with which to pay filing fees to the clerk of~~
14 ~~the court or service fees to the sheriff or law enforcement~~
15 ~~agency and signs an affidavit so stating, the fees shall be~~
16 ~~waived by the clerk of the court or the sheriff or law~~
17 ~~enforcement agency to the extent necessary to process the~~
18 ~~petition and serve the injunction, subject to a subsequent~~
19 ~~order of the court relative to the payment of such fees.~~

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

22 (d) The clerk of the court shall provide the
23 petitioner with a certified copy of any injunction for
24 protection against repeat violence, sexual violence, or dating
25 violence entered by the court.

26 (4)(a) The sworn petition shall allege the incidents
27 of repeat violence, sexual violence, or dating violence and
28 shall include the specific facts and circumstances that ~~which~~
29 form the basis upon which relief is sought. With respect to a
30 minor child who is living at home, the parent or legal
31 guardian of the minor child must have been an eyewitness to,

1 or have direct physical evidence or affidavits from
2 eyewitnesses of, the specific facts and circumstances which
3 form the basis upon which relief is sought.

4 (b) The sworn petition must ~~shall~~ be in substantially
5 the following form:

6
7 PETITION FOR INJUNCTION FOR PROTECTION
8 AGAINST REPEAT VIOLENCE, SEXUAL VIOLENCE, OR DATING VIOLENCE
9

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

- 13
- 14 1. Petitioner resides at ...(address)...
- 15 2. Respondent resides at ...(address)...
- 16 3. ~~a.~~ (Check here if applicable) Petitioner has
- 17 suffered repeat violence as demonstrated by the fact that the
- 18 respondent has:
- 19(enumerate incidents of violence)...
- 20
- 21
- 22
- 23
- 24

25 and petitioner genuinely fears repeat violence by the
26 respondent.

27
28 b. (Check here if applicable) Petitioner has suffered
29 sexual violence as demonstrated by the fact that the
30 respondent has:.....(enumerate incident of violence and
31

1 attach incident report by law enforcement agency or notice of
2 inmate release).....

3
4
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.....
.....
.....

8 ~~b.~~ Check here if applicable)Petitioner is a victim of
9 dating violence and has reasonable cause to believe that he or
10 she is in imminent danger of becoming the victim of another
11 act of dating violence or has reasonable cause to believe that
12 he or she is in imminent danger of becoming a victim of dating
13 violence, as demonstrated by the fact that the respondent has:
14 ...(list the specific incident or incidents of violence and
15 describe the length of time of the relationship, whether it
16 has been in existence during the last 6 months, the nature of
17 the relationship of a romantic or intimate nature, the
18 frequency and type of interaction, and any other facts that
19 characterize the relationship.)...

20
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.....

25 ~~4. Petitioner genuinely fears repeat violence by the~~
26 ~~respondent.~~

27 4.5. Petitioner seeks: an immediate injunction against
28 the respondent, enjoining him or her from committing any
29 further acts of violence; an injunction enjoining the
30 respondent from committing any further acts of violence; and
31 an injunction providing any terms the court deems necessary

1 for the protection of the petitioner and the petitioner's
2 immediate family, including any injunctions or directives to
3 law enforcement agencies.

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

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

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

20 (c) Any such ex parte temporary injunction shall be
21 effective for a fixed period not to exceed 15 days. However,
22 an ex parte temporary injunction granted under subparagraph
23 (2)(c)2. is effective for 15 days following the date the
24 respondent is released from state prison.A full hearing, as
25 provided by this section, shall be set for a date no later
26 than the date when the temporary injunction ceases to be
27 effective. The court may grant a continuance of the ex parte
28 injunction and the full hearing before or during a hearing,
29 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, sexual violence, or dating
14 violence entered pursuant to this section shall, on its face,
15 indicate that:

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

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

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

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

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

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

15 2. If the respondent is in the custody of the
16 Department of Corrections and the petition for an injunction
17 has been filed as provided in subparagraph (2)(c)2., the clerk
18 of the court shall furnish a copy of the petition, notice of
19 hearing, and temporary injunction, if any, to the Department
20 of Corrections and copies shall be served upon the respondent
21 as soon thereafter as possible on any day of the week and at
22 any time of the day or night. The petition, notice of hearing,
23 or temporary injunction may be served in a state prison by a
24 correctional officer as defined in chapter 943. If the
25 respondent in custody is not served before his or her release,
26 a copy of the petition, notice of hearing, and temporary
27 injunction, if any, shall be forwarded to the sheriff of the
28 county specified in the respondent's release plan for service
29 as provided in subparagraph 1.

30 ~~3.2.~~ When an injunction is issued, if the petitioner
31 requests the assistance of a law enforcement agency, the court

1 may order that an officer from the appropriate law enforcement
2 agency accompany the petitioner and assist in the execution or
3 service of the injunction. A law enforcement officer shall
4 accept a copy of an injunction for protection against repeat
5 violence, sexual violence, or dating violence, certified by
6 the clerk of the court, from the petitioner and immediately
7 serve it upon a respondent who has been located but not yet
8 served.

9 (b) There shall be created a ~~Domestic, Dating, and~~
10 ~~Repeat~~ Violence Injunction Statewide Verification System
11 within the Department of Law Enforcement. The department shall
12 establish, implement, and maintain a statewide communication
13 system capable of electronically transmitting information to
14 and between criminal justice agencies relating to domestic
15 violence injunctions, dating violence injunctions, sexual
16 violence injunctions, and repeat violence injunctions issued
17 by the courts throughout the state. Such information must
18 include, but is not limited to, information as to the
19 existence and status of any injunction for verification
20 purposes.

21 (c)1. Within 24 hours after the court issues, changes,
22 or vacates an injunction for protection against repeat
23 violence, sexual violence, or dating violence ~~or changes or~~
24 ~~vacates an injunction for protection against repeat violence~~
25 ~~or dating violence~~, the clerk of the court must forward a copy
26 of the injunction to the sheriff with jurisdiction over the
27 residence of the petitioner.

28 2. Within 24 hours after service of process of an
29 injunction for protection against repeat violence, sexual
30 violence, or dating violence upon a respondent, the law
31 enforcement officer must forward the written proof of service

1 of process to the sheriff with jurisdiction over the residence
2 of the petitioner.

3 3. Within 24 hours after the sheriff receives a
4 certified copy of the injunction for protection against repeat
5 violence, sexual violence, or dating violence, the sheriff
6 must make information relating to the injunction available to
7 other law enforcement agencies by electronically transmitting
8 such information to the department.

9 4. Within 24 hours after the sheriff or other law
10 enforcement officer has made service upon the respondent and
11 the sheriff has been so notified, the sheriff must make
12 information relating to the service available to other law
13 enforcement agencies by electronically transmitting such
14 information to the department.

15 5. Within 24 hours after an injunction for protection
16 against repeat violence, sexual violence, or dating violence
17 is lifted, terminated, or otherwise rendered no longer
18 effective by ruling of the court, the clerk of the court must
19 notify the sheriff or local law enforcement agency receiving
20 original notification of the injunction as provided in
21 subparagraph 2. That agency shall, within 24 hours after
22 receiving such notification from the clerk of the court,
23 notify the department of such action of the court.

24 (9)(a) The court shall enforce, through a civil or
25 criminal contempt proceeding, a violation of an injunction for
26 protection. The court may enforce the respondent's compliance
27 with the injunction by imposing a monetary assessment. The
28 clerk of the court shall collect and receive such assessments.
29 On a monthly basis, the clerk shall transfer the moneys
30 collected pursuant to this paragraph to the State Treasury for
31

1 deposit in the Crimes Compensation Trust Fund established in
2 s. 960.21.

3 (b) If the respondent is arrested by a law enforcement
4 officer under s. 901.15(10) for committing an act of repeat
5 violence, sexual violence, or dating violence in violation of
6 an a repeat or dating violence injunction for protection, the
7 respondent shall be held in custody until brought before the
8 court as expeditiously as possible for the purpose of
9 enforcing the injunction and for admittance to bail in
10 accordance with chapter 903 and the applicable rules of
11 criminal procedure, pending a hearing.

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

14 (11) A law enforcement officer acting in good faith
15 under this section and the officer's employing agency shall be
16 immune from all liability, civil or criminal, that might
17 otherwise be incurred or imposed by reason of the officer's or
18 agency's actions in carrying out the provisions of this
19 section.

20 Section 3. Subsection (3) of section 61.1825, Florida
21 Statutes, is amended to read:

22 61.1825 State Case Registry.--

23 (3)(a) For the purpose of this section, a family
24 violence indicator must be placed on a record when:

25 1. A party executes a sworn statement requesting that
26 a family violence indicator be placed on that party's record
27 which states that the party has reason to believe that release
28 of information to the Federal Case Registry may result in
29 physical or emotional harm to the party or the child; ~~or~~

30 2. A temporary or final injunction for protection
31 against domestic violence, repeat violence, dating violence,

1 or sexual violence, or a foreign protection order accorded
2 full faith and credit under s. 741.315,has been granted
3 ~~pursuant to s. 741.30(6), an injunction for protection against~~
4 ~~domestic violence has been issued by a court of a foreign~~
5 ~~state pursuant to s. 741.315, or a temporary or final~~
6 ~~injunction for protection against repeat violence has been~~
7 ~~granted pursuant to s. 784.046; or~~

8 3. The department has received information on a Title
9 IV-D case from the ~~Domestic Violence and Repeat~~ Violence
10 Injunction Statewide Verification System, established pursuant
11 to s. 784.046(8)(b), that a court has granted a party a
12 domestic violence, or repeat violence, dating violence, or
13 sexual violence injunction.

14 (b) Before the family violence indicator can be
15 removed from a record, the protected person must be afforded
16 notice and an opportunity to appear before the court on the
17 issue of whether the disclosure will result in harm.

18 Section 4. For purposes of incorporating the
19 amendments by this act to sections 741.30, 741.31, and
20 784.046, Florida Statutes, subsection (1) of section 61.1827,
21 Florida Statutes, is reenacted to read:

22 61.1827 Identifying information concerning applicants
23 for and recipients of child support services.--

24 (1) Any information that reveals the identity of
25 applicants for or recipients of child support services,
26 including the name, address, and telephone number of such
27 persons, in the possession of a non-Title IV-D county child
28 support enforcement agency is confidential and exempt from
29 public disclosure pursuant to s. 119.07(1) and s. 24(a) of
30 Art. I of the State Constitution. The use or disclosure of
31 such information by the non-Title IV-D county child support

1 enforcement agency is limited to the purposes directly
2 connected with:

3 (a) Any investigation, prosecution, or criminal or
4 civil proceeding connected with the administration of any
5 non-Title IV-D county child support enforcement program;

6 (b) Mandatory disclosure of identifying and location
7 information as provided in s. 61.13(9) by the non-Title IV-D
8 county child support enforcement agency when providing
9 non-Title IV-D services; or

10 (c) Mandatory disclosure of information as required by
11 ss. 409.2577, 61.181, 61.1825, and 61.1826 and Title IV-D of
12 the Social Security Act.

13 (d) Disclosure to an authorized person, as defined in
14 45 C.F.R. s. 303.15, for purposes of enforcing any state or
15 federal law with respect to the unlawful taking or restraint
16 of a child or making or enforcing a child custody or
17 visitation determination. As used in this paragraph, the term
18 "authorized person" includes a noncustodial parent, unless a
19 court has entered an order under s. 741.30, s. 741.31, or s.
20 784.046.

21 Section 5. Subsection (3) of section 741.2901, Florida
22 Statutes, is amended to read:

23 741.2901 Domestic violence cases; prosecutors;
24 legislative intent; investigation; duty of circuits; first
25 appearance.--

26 (3) Prior to a defendant's first appearance in any
27 charge of domestic violence as defined in s. 741.28, the State
28 Attorney's Office shall perform a thorough investigation of
29 the defendant's history, including, but not limited to: prior
30 arrests for domestic violence, prior arrests for nondomestic
31 charges, prior injunctions for protection against domestic

1 violence, and repeat violence, dating violence, and sexual
2 violence filed listing the defendant as respondent and noting
3 history of other victims, and prior walk-in domestic
4 complaints filed against the defendant. This information shall
5 be presented at first appearance, when setting bond, and when
6 passing sentence, for consideration by the court. When a
7 defendant is arrested for an act of domestic violence, the
8 defendant shall be held in custody until brought before the
9 court for admittance to bail in accordance with chapter 903.
10 In determining bail, the court shall consider the safety of
11 the victim, the victim's children, and any other person who
12 may be in danger if the defendant is released.

13 Section 6. Subsection (8) of section 741.30, Florida
14 Statutes, is amended to read:

15 741.30 Domestic violence; injunction; powers and
16 duties of court and clerk; petition; notice and hearing;
17 temporary injunction; issuance of injunction; statewide
18 verification system; enforcement.--

19 (8)(a)1. The clerk of the court shall furnish a copy
20 of the petition, financial affidavit, uniform child custody
21 jurisdiction and enforcement act affidavit, if any, notice of
22 hearing, and temporary injunction, if any, to the sheriff or a
23 law enforcement agency of the county where the respondent
24 resides or can be found, who shall serve it upon the
25 respondent as soon thereafter as possible on any day of the
26 week and at any time of the day or night. The clerk of the
27 court shall be responsible for furnishing to the sheriff such
28 information on the respondent's physical description and
29 location as is required by the department to comply with the
30 verification procedures set forth in this section.

31 Notwithstanding any other provision of law to the contrary,

1 the chief judge of each circuit, in consultation with the
2 appropriate sheriff, may authorize a law enforcement agency
3 within the jurisdiction to effect service. A law enforcement
4 agency serving injunctions pursuant to this section shall use
5 service and verification procedures consistent with those of
6 the sheriff.

7 2. When an injunction is issued, if the petitioner
8 requests the assistance of a law enforcement agency, the court
9 may order that an officer from the appropriate law enforcement
10 agency accompany the petitioner and assist in placing the
11 petitioner in possession of the dwelling or residence, or
12 otherwise assist in the execution or service of the
13 injunction. A law enforcement officer shall accept a copy of
14 an injunction for protection against domestic violence,
15 certified by the clerk of the court, from the petitioner and
16 immediately serve it upon a respondent who has been located
17 but not yet served.

18 3. All orders issued, changed, continued, extended, or
19 vacated subsequent to the original service of documents
20 enumerated under subparagraph 1., shall be certified by the
21 clerk of the court and delivered to the parties at the time of
22 the entry of the order. The parties may acknowledge receipt
23 of such order in writing on the face of the original order.
24 In the event a party fails or refuses to acknowledge the
25 receipt of a certified copy of an order, the clerk shall note
26 on the original order that service was effected. If delivery
27 at the hearing is not possible, the clerk shall mail certified
28 copies of the order to the parties at the last known address
29 of each party. Service by mail is complete upon mailing.
30 When an order is served pursuant to this subsection, the clerk
31 shall prepare a written certification to be placed in the

1 court file specifying the time, date, and method of service
2 and shall notify the sheriff.

3

4 If the respondent has been served previously with the
5 temporary injunction and has failed to appear at the initial
6 hearing on the temporary injunction, any subsequent petition
7 for injunction seeking an extension of time may be served on
8 the respondent by the clerk of the court by certified mail in
9 lieu of personal service by a law enforcement officer.

10 (b) There shall be created a ~~Domestic and Repeat~~
11 Violence Injunction Statewide Verification System within the
12 Department of Law Enforcement. The department shall establish,
13 implement, and maintain a statewide communication system
14 capable of electronically transmitting information to and
15 between criminal justice agencies relating to domestic
16 violence injunctions, and repeat violence injunctions, dating
17 violence injunctions, and sexual violence injunctions issued
18 by the courts throughout the state. Such information must
19 include, but is not limited to, information as to the
20 existence and status of any injunction for verification
21 purposes.

22 (c)1. Within 24 hours after the court issues an
23 injunction for protection against domestic violence or
24 changes, continues, extends, or vacates an injunction for
25 protection against domestic violence, the clerk of the court
26 must forward a certified copy of the injunction for service to
27 the sheriff with jurisdiction over the residence of the
28 petitioner. The injunction must be served in accordance with
29 this subsection.

30 2. Within 24 hours after service of process of an
31 injunction for protection against domestic violence upon a

1 respondent, the law enforcement officer must forward the
2 written proof of service of process to the sheriff with
3 jurisdiction over the residence of the petitioner.

4 3. Within 24 hours after the sheriff receives a
5 certified copy of the injunction for protection against
6 domestic violence, the sheriff must make information relating
7 to the injunction available to other law enforcement agencies
8 by electronically transmitting such information to the
9 department.

10 4. Within 24 hours after the sheriff or other law
11 enforcement officer has made service upon the respondent and
12 the sheriff has been so notified, the sheriff must make
13 information relating to the service available to other law
14 enforcement agencies by electronically transmitting such
15 information to the department.

16 5. Within 24 hours after an injunction for protection
17 against domestic violence is vacated, terminated, or otherwise
18 rendered no longer effective by ruling of the court, the clerk
19 of the court must notify the sheriff receiving original
20 notification of the injunction as provided in subparagraph 2.
21 That agency shall, within 24 hours after receiving such
22 notification from the clerk of the court, notify the
23 department of such action of the court.

24 Section 7. For purposes of incorporating the
25 amendments made by this act to section 741.315, Florida
26 Statutes, subsection (4) of section 741.31, Florida Statutes,
27 is reenacted to read:

28 741.31 Violation of an injunction for protection
29 against domestic violence.--

30 (4)(a) A person who willfully violates an injunction
31 for protection against domestic violence issued pursuant to s.

1 741.30, or a foreign protection order accorded full faith and
2 credit pursuant to s. 741.315, by:

3 1. Refusing to vacate the dwelling that the parties
4 share;

5 2. Going to, or being within 500 feet of, the
6 petitioner's residence, school, place of employment, or a
7 specified place frequented regularly by the petitioner and any
8 named family or household member;

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

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

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

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

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

23 8. Refusing to surrender firearms or ammunition if
24 ordered to do so by the court

25
26 commits a misdemeanor of the first degree, punishable as
27 provided in s. 775.082 or s. 775.083.

28 (b)1. It is a violation of s. 790.233, and a
29 misdemeanor of the first degree, punishable as provided in s.
30 775.082 or s. 775.083, for a person to violate a final
31 injunction for protection against domestic violence by having

1 in his or her care, custody, possession, or control any
2 firearm or ammunition.

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

11 Section 8. Subsection (2) of section 741.315, Florida
12 Statutes, is amended to read:

13 741.315 Recognition of foreign protection orders.--

14 (2) Pursuant to 18 U.S.C. s. 2265, an injunction for
15 protection against ~~domestic~~ violence issued by a court of a
16 foreign state must be accorded full faith and credit by the
17 courts of this state and enforced by a law enforcement agency
18 as if it were the order of a Florida court issued under s.
19 741.30, s. 741.31, s. 784.046, or s. 784.047 and provided that
20 the court had jurisdiction over the parties and the matter and
21 that reasonable notice and opportunity to be heard was given
22 to the person against whom the order is sought sufficient to
23 protect that person's right to due process. Ex parte foreign
24 injunctions for protection are not eligible for enforcement
25 under this section unless notice and opportunity to be heard
26 have been provided within the time required by the foreign
27 state or tribal law, and in any event within a reasonable time
28 after the order is issued, sufficient to protect the
29 respondent's due process rights.

30 Section 9. For purposes of incorporating the
31 amendments made by this act to section 784.048, Florida

1 Statutes, in references thereto, paragraph (d) of subsection
2 (1) of section 775.084, Florida Statutes, is reenacted to
3 read:

4 775.084 Violent career criminals; habitual felony
5 offenders and habitual violent felony offenders; three-time
6 violent felony offenders; definitions; procedure; enhanced
7 penalties or mandatory minimum prison terms.--

8 (1) As used in this act:

9 (d) "Violent career criminal" means a defendant for
10 whom the court must impose imprisonment pursuant to paragraph
11 (4)(d), if it finds that:

12 1. The defendant has previously been convicted as an
13 adult three or more times for an offense in this state or
14 other qualified offense that is:

15 a. Any forcible felony, as described in s. 776.08;

16 b. Aggravated stalking, as described in s. 784.048(3)
17 and (4);

18 c. Aggravated child abuse, as described in s.
19 827.03(2);

20 d. Aggravated abuse of an elderly person or disabled
21 adult, as described in s. 825.102(2);

22 e. Lewd or lascivious battery, lewd or lascivious
23 molestation, lewd or lascivious conduct, or lewd or lascivious
24 exhibition, as described in s. 800.04;

25 f. Escape, as described in s. 944.40; or

26 g. A felony violation of chapter 790 involving the use
27 or possession of a firearm.

28 2. The defendant has been incarcerated in a state
29 prison or a federal prison.

30
31

1 3. The primary felony offense for which the defendant
2 is to be sentenced is a felony enumerated in subparagraph 1.
3 and was committed on or after October 1, 1995, and:

4 a. While the defendant was serving a prison sentence
5 or other sentence, or court-ordered or lawfully imposed
6 supervision that is imposed as a result of a prior conviction
7 for an enumerated felony; or

8 b. Within 5 years after the conviction of the last
9 prior enumerated felony, or within 5 years after the
10 defendant's release from a prison sentence, probation,
11 community control, control release, conditional release,
12 parole, or court-ordered or lawfully imposed supervision or
13 other sentence that is imposed as a result of a prior
14 conviction for an enumerated felony, whichever is later.

15 4. The defendant has not received a pardon for any
16 felony or other qualified offense that is necessary for the
17 operation of this paragraph.

18 5. A conviction of a felony or other qualified offense
19 necessary to the operation of this paragraph has not been set
20 aside in any postconviction proceeding.

21 Section 10. Section 784.047, Florida Statutes, is
22 amended to read:

23 784.047 Penalties for violating protective injunction
24 against violators.--A person who willfully violates an
25 injunction for protection against repeat violence,~~or~~ dating
26 violence, or sexual violence issued pursuant to s. 784.046, or
27 a foreign protection order accorded full faith and credit
28 pursuant to s. 741.315 by:

29 (1) Refusing to vacate the dwelling that the parties
30 share;

31

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

4 (3) Committing an act of repeat violence,~~or~~ dating
5 violence, or sexual violence against the petitioner;

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

9 (5) Telephoning, contacting, or otherwise
10 communicating with the petitioner directly or indirectly,
11 unless the injunction specifically allows indirect contact
12 through a third party;

13
14 commits a misdemeanor of the first degree, punishable as
15 provided in s. 775.082 or s. 775.083.

16 Section 11. Subsection (4) of section 784.048, Florida
17 Statutes, is amended to read:

18 784.048 Stalking; definitions; penalties.--

19 (4) Any person who, ~~after an injunction for protection~~
20 ~~against repeat violence or dating violence pursuant to s.~~
21 ~~784.046, or an injunction for protection against domestic~~
22 ~~violence pursuant to s. 741.30, or after any other~~
23 ~~court-imposed prohibition of conduct toward the subject person~~
24 ~~or that person's property, knowingly, willfully, maliciously,~~
25 and repeatedly follows or harasses another person after the
26 entry of an injunction for protection against domestic
27 violence, repeat violence, dating violence, or sexual
28 violence, a foreign protection order accorded full faith and
29 credit under s. 741.315, or any other court-imposed
30 prohibition of conduct toward the subject person or that
31 person's property, commits the offense of aggravated stalking,

1 a felony of the third degree, punishable as provided in s.
2 775.082, s. 775.083, or s. 775.084.

3 Section 12. Subsections (2), (3), and (13) of section
4 790.06, Florida Statutes, is amended to read:

5 790.06 License to carry concealed weapon or firearm.--

6 (2) The Department of Agriculture and Consumer
7 Services shall issue a license if the applicant:

8 (a) Is a resident of the United States or is a
9 consular security official of a foreign government that
10 maintains diplomatic relations and treaties of commerce,
11 friendship, and navigation with the United States and is
12 certified as such by the foreign government and by the
13 appropriate embassy in this country;

14 (b) Is 21 years of age or older;

15 (c) Does not suffer from a physical infirmity which
16 prevents the safe handling of a weapon or firearm;

17 (d) Is not ineligible to possess a firearm pursuant to
18 s. 790.23 by virtue of having been convicted of a felony;

19 (e) Has not been committed for the abuse of a
20 controlled substance or been found guilty of a crime under the
21 provisions of chapter 893 or similar laws of any other state
22 relating to controlled substances within a 3-year period
23 immediately preceding the date on which the application is
24 submitted;

25 (f) Does not chronically and habitually use alcoholic
26 beverages or other substances to the extent that his or her
27 normal faculties are impaired. It shall be presumed that an
28 applicant chronically and habitually uses alcoholic beverages
29 or other substances to the extent that his or her normal
30 faculties are impaired if the applicant has been committed
31 under chapter 397 or under the provisions of former chapter

1 396 or has been convicted under s. 790.151 or has been deemed
2 a habitual offender under s. 856.011(3), or has had two or
3 more convictions under s. 316.193 or similar laws of any other
4 state, within the 3-year period immediately preceding the date
5 on which the application is submitted;

6 (g) Desires a legal means to carry a concealed weapon
7 or firearm for lawful self-defense;

8 (h) Demonstrates competence with a firearm by any one
9 of the following:

10 1. Completion of any hunter education or hunter safety
11 course approved by the Fish and Wildlife Conservation
12 Commission or a similar agency of another state;

13 2. Completion of any National Rifle Association
14 firearms safety or training course;

15 3. Completion of any firearms safety or training
16 course or class available to the general public offered by a
17 law enforcement, junior college, college, or private or public
18 institution or organization or firearms training school,
19 utilizing instructors certified by the National Rifle
20 Association, Criminal Justice Standards and Training
21 Commission, or the Department of Agriculture and Consumer
22 Services State;

23 4. Completion of any law enforcement firearms safety
24 or training course or class offered for security guards,
25 investigators, special deputies, or any division or
26 subdivision of law enforcement or security enforcement;

27 5. Presents evidence of equivalent experience with a
28 firearm through participation in organized shooting
29 competition or military service;

30
31

1 6. Is licensed or has been licensed to carry a firearm
2 in this state or a county or municipality of this state,
3 unless such license has been revoked for cause; or

4 7. Completion of any firearms training or safety
5 course or class conducted by a state-certified or National
6 Rifle Association certified firearms instructor;

7
8 A photocopy of a certificate of completion of any of the
9 courses or classes; or an affidavit from the instructor,
10 school, club, organization, or group that conducted or taught
11 said course or class attesting to the completion of the course
12 or class by the applicant; or a copy of any document which
13 shows completion of the course or class or evidences
14 participation in firearms competition shall constitute
15 evidence of qualification under this paragraph; any person who
16 conducts a course pursuant to subparagraph 2., subparagraph
17 3., or subparagraph 7., or who, as an instructor, attests to
18 the completion of such courses, must maintain records
19 certifying that he or she observed the student safely handle
20 and discharge the firearm;

21 (i) Has not been adjudicated an incapacitated person
22 under s. 744.331, or similar laws of any other state, unless 5
23 years have elapsed since the applicant's restoration to
24 capacity by court order;

25 (j) Has not been committed to a mental institution
26 under chapter 394, or similar laws of any other state, unless
27 the applicant produces a certificate from a licensed
28 psychiatrist that he or she has not suffered from disability
29 for at least 5 years prior to the date of submission of the
30 application;

31

1 (k) Has not had adjudication of guilt withheld or
2 imposition of sentence suspended on any felony or misdemeanor
3 crime of domestic violence unless 3 years have elapsed since
4 probation or any other conditions set by the court have been
5 fulfilled, or the record has been sealed or expunged;

6 (1) Has not been issued an injunction that is
7 currently in force and effect and that restrains the applicant
8 from committing acts of domestic violence, ~~or acts of repeat~~
9 violence, dating violence, or sexual violence; and

10 (m) Is not prohibited from purchasing or possessing a
11 firearm by any other provision of Florida or federal law.

12 (3) The Department of Agriculture and Consumer
13 Services shall deny a license if the applicant has been found
14 guilty of, had adjudication of guilt withheld for, or had
15 imposition of sentence suspended for one or more crimes of
16 violence constituting a misdemeanor, unless 3 years have
17 elapsed since probation or any other conditions set by the
18 court have been fulfilled or the record has been sealed or
19 expunged. The Department of Agriculture and Consumer Services
20 shall revoke a license if the licensee has been found guilty
21 of, had adjudication of guilt withheld for, or had imposition
22 of sentence suspended for one or more crimes of violence
23 within the preceding 3 years. The department shall, upon
24 notification by a law enforcement agency, a court, or the
25 Florida Department of Law Enforcement and subsequent written
26 verification, suspend a license or the processing of an
27 application for a license if the licensee or applicant is
28 arrested or formally charged with a crime that would
29 disqualify such person from having a license under this
30 section, until final disposition of the case. The department
31 shall suspend a license or the processing of an application

1 for a license if the licensee or applicant is issued an
2 injunction that restrains the licensee or applicant from
3 committing acts of domestic violence, ~~or acts of repeat~~
4 violence, dating violence, or sexual violence.

5 (13) All moneys collected by the department pursuant
6 to this section shall be deposited in the Division of
7 Licensing Trust Fund, and the Legislature shall appropriate
8 from the fund those amounts deemed necessary to administer the
9 provisions of this section. All revenues collected, less those
10 costs determined by the Department of Agriculture and Consumer
11 Services to be nonrecurring or one-time costs, shall be
12 deferred over the 5-year ~~3-year~~ licensure period.

13 Notwithstanding the provisions of s. 493.6117, all moneys
14 collected pursuant to this section shall not revert to the
15 General Revenue Fund; however, this shall not abrogate the
16 requirement for payment of the service charge imposed pursuant
17 to chapter 215.

18 Section 13. Section 790.065, Florida Statutes, is
19 amended to read:

20 790.065 Sale and delivery of firearms.--

21 (1) A licensed importer, licensed manufacturer, or
22 licensed dealer may not sell or deliver from her or his
23 inventory at her or his licensed premises any firearm to
24 another person, other than a licensed importer, licensed
25 manufacturer, licensed dealer, or licensed collector, until
26 she or he has:

27 (a) Obtained a completed form from the potential buyer
28 or transferee, which form shall have been promulgated by the
29 Department of Law Enforcement and provided by the licensed
30 importer, licensed manufacturer, or licensed dealer, which
31 shall include the name, date of birth, gender, race, and

1 social security number or other identification number of such
2 potential buyer or transferee and has inspected proper
3 identification including an identification containing a
4 photograph of the potential buyer or transferee.

5 (b) Collected a fee from the potential buyer for
6 processing the criminal history check of the potential buyer.
7 The fee shall be established by the Department of Law
8 Enforcement and may not exceed \$8 per transaction. The
9 Department of Law Enforcement may reduce, or suspend
10 collection of, the fee to reflect payment received from the
11 Federal Government applied to the cost of maintaining the
12 criminal history check system established by this section as a
13 means of facilitating or supplementing the National Instant
14 Criminal Background Check System. The Department of Law
15 Enforcement shall, by rule, establish procedures for the fees
16 to be transmitted by the licensee to the Department of Law
17 Enforcement. All such fees shall be deposited into the
18 Department of Law Enforcement Operating Trust Fund, but shall
19 be segregated from all other funds deposited into such trust
20 fund and must be accounted for separately. Such segregated
21 funds must not be used for any purpose other than the
22 operation of the criminal history checks required by this
23 section. The Department of Law Enforcement, each year prior to
24 February 1, shall make a full accounting of all receipts and
25 expenditures of such funds to the President of the Senate, the
26 Speaker of the House of Representatives, the majority and
27 minority leaders of each house of the Legislature, and the
28 chairs of the appropriations committees of each house of the
29 Legislature. In the event that the cumulative amount of funds
30 collected exceeds the cumulative amount of expenditures by
31 more than \$2.5 million, excess funds may be used for the

1 purpose of purchasing soft body armor for law enforcement
2 officers.

3 (c) Requested, by means of a toll-free telephone call,
4 the Department of Law Enforcement to conduct a check of the
5 information as reported and reflected in the Florida Crime
6 Information Center and National Crime Information Center
7 systems as of the date of the request.

8 (d) Received a unique approval number for that inquiry
9 from the Department of Law Enforcement, and recorded the date
10 and such number on the consent form.

11

12 However, if the person purchasing, or receiving delivery of,
13 the firearm is a holder of a valid concealed weapons or
14 firearms license pursuant to the provisions of s. 790.06 or
15 holds an active certification from the Criminal Justice
16 Standards and Training Commission as a "law enforcement
17 officer," a "correctional officer," or a "correctional
18 probation officer" as defined in s. 943.10(1), (2), (3), (6),
19 (7), (8), or (9), the provisions of this subsection do not
20 apply.

21 (2) Upon receipt of a request for a criminal history
22 record check, the Department of Law Enforcement shall, during
23 the licensee's call or by return call, forthwith:

24 (a) Review criminal history records to determine if
25 the potential buyer or transferee:

26 1. Has been convicted of a felony and is prohibited
27 from receipt or possession of a firearm pursuant to s. 790.23;

28 2. Has been convicted of a misdemeanor crime of
29 domestic violence, and therefore is prohibited from purchasing
30 a firearm; or

31

1 3. Has had adjudication of guilt withheld or
2 imposition of sentence suspended on any felony or misdemeanor
3 crime of domestic violence, repeat violence, dating violence,
4 or sexual violence unless 3 years have elapsed since probation
5 or any other conditions set by the court have been fulfilled
6 or expunction has occurred.

7 (b) Inform the licensee making the inquiry either that
8 records demonstrate that the buyer or transferee is so
9 prohibited and provide the licensee a nonapproval number, or
10 provide the licensee with a unique approval number.

11 (c)1. Review any records available to it to determine
12 whether the potential buyer or transferee has been indicted or
13 has had an information filed against her or him for an offense
14 that is a felony under either state or federal law, or, as
15 mandated by federal law, has had an injunction for protection
16 against domestic violence, repeat violence, dating violence,
17 or sexual violence entered against the potential buyer or
18 transferee ~~under s. 741.30, has had an injunction for~~
19 ~~protection against repeat violence entered against the~~
20 ~~potential buyer or transferee under s. 784.046,~~ or has been
21 arrested for a dangerous crime as specified in s.

22 907.041(4)(a) or for any of the following enumerated offenses:

- 23 a. Criminal anarchy under ss. 876.01 and 876.02.
24 b. Extortion under s. 836.05.
25 c. Explosives violations under s. 552.22(1) and (2).
26 d. Controlled substances violations under chapter 893.
27 e. Resisting an officer with violence under s. 843.01.
28 f. Weapons and firearms violations under this chapter.
29 g. Treason under s. 876.32.
30 h. Assisting self-murder under s. 782.08.
31 i. Sabotage under s. 876.38.

1 j. Stalking or aggravated stalking under s. 784.048.

2

3 If the review indicates any such indictment, information, or
4 arrest, the department shall provide to the licensee a
5 conditional nonapproval number.

6 2. Within 24 working hours, the department shall
7 determine the disposition of the indictment, information, or
8 arrest and inform the licensee as to whether the potential
9 buyer is prohibited from receiving or possessing a firearm.
10 For purposes of this paragraph, "working hours" means the
11 hours from 8 a.m. to 5 p.m. Monday through Friday, excluding
12 legal holidays.

13 3. The office of the clerk of court, at no charge to
14 the department, shall respond to any department request for
15 data on the disposition of the indictment, information, or
16 arrest as soon as possible, but in no event later than 8
17 working hours.

18 4. The department shall determine as quickly as
19 possible within the allotted time period whether the potential
20 buyer is prohibited from receiving or possessing a firearm.

21 5. If the potential buyer is not so prohibited, or if
22 the department cannot determine the disposition information
23 within the allotted time period, the department shall provide
24 the licensee with a conditional approval number.

25 6. If the buyer is so prohibited, the conditional
26 nonapproval number shall become a nonapproval number.

27 7. The department shall continue its attempts to
28 obtain the disposition information and may retain a record of
29 all approval numbers granted without sufficient disposition
30 information. If the department later obtains disposition
31 information which indicates:

1 a. That the potential buyer is not prohibited from
2 owning a firearm, it shall treat the record of the transaction
3 in accordance with this section; or

4 b. That the potential buyer is prohibited from owning
5 a firearm, it shall immediately revoke the conditional
6 approval number and notify local law enforcement.

7 8. During the time that disposition of the indictment,
8 information, or arrest is pending and until the department is
9 notified by the potential buyer that there has been a final
10 disposition of the indictment, information, or arrest, the
11 conditional nonapproval number shall remain in effect.

12 (3) In the event of scheduled computer downtime,
13 electronic failure, or similar emergency beyond the control of
14 the Department of Law Enforcement, the department shall
15 immediately notify the licensee of the reason for, and
16 estimated length of, such delay. After such notification, the
17 department shall forthwith, and in no event later than the end
18 of the next business day of the licensee, either inform the
19 requesting licensee if its records demonstrate that the buyer
20 or transferee is prohibited from receipt or possession of a
21 firearm pursuant to Florida and Federal law or provide the
22 licensee with a unique approval number. Unless notified by the
23 end of said next business day that the buyer or transferee is
24 so prohibited, and without regard to whether she or he has
25 received a unique approval number, the licensee may complete
26 the sale or transfer and shall not be deemed in violation of
27 this section with respect to such sale or transfer.

28 (4)(a) Any records containing any of the information
29 set forth in subsection (1) pertaining to a buyer or
30 transferee who is not found to be prohibited from receipt or
31 transfer of a firearm by reason of Florida and federal law

1 | which records are created by the Department of Law Enforcement
2 | to conduct the criminal history record check shall be
3 | confidential and exempt from the provisions of s. 119.07(1)
4 | and may not be disclosed by the Department of Law Enforcement
5 | or any officer or employee thereof to any person or to another
6 | agency. The Department of Law Enforcement shall destroy any
7 | such records forthwith after it communicates the approval and
8 | nonapproval numbers to the licensee and, in any event, such
9 | records shall be destroyed within 48 hours after the day of
10 | the response to the licensee's request.

11 | (b) Notwithstanding the provisions of this subsection,
12 | the Department of Law Enforcement may maintain records of NCIC
13 | transactions to the extent required by the Federal Government,
14 | and may maintain a log of dates of requests for criminal
15 | history records checks, unique approval and nonapproval
16 | numbers, license identification numbers, and transaction
17 | numbers corresponding to such dates for a period of not longer
18 | than 2 years or as otherwise required by law.

19 | (c) Nothing in this chapter shall be construed to
20 | allow the State of Florida to maintain records containing the
21 | names of purchasers or transferees who receive unique approval
22 | numbers or to maintain records of firearm transactions.

23 | (d) Any officer or employee, or former officer or
24 | employee of the Department of Law Enforcement or law
25 | enforcement agency who intentionally and maliciously violates
26 | the provisions of this subsection commits a felony of the
27 | third degree punishable as provided in s. 775.082 or s.
28 | 775.083.

29 | (5) The Department of Law Enforcement shall establish
30 | a toll-free telephone number which shall be operational 7 days
31 | a week with the exception of Christmas Day and New Year's Day,

1 for a period of 12 hours a day beginning at 9 a.m. and ending
2 at 9 p.m., for purposes of responding to inquiries as
3 described in this section from licensed manufacturers,
4 licensed importers, and licensed dealers. The Department of
5 Law Enforcement shall employ and train such personnel as are
6 necessary expeditiously to administer the provisions of this
7 section.

8 (6) Any person who is denied the right to receive or
9 purchase a firearm as a result of the procedures established
10 by this section may request a criminal history records review
11 and correction in accordance with the rules promulgated by the
12 Department of Law Enforcement.

13 (7) It shall be unlawful for any licensed dealer,
14 licensed manufacturer, or licensed importer willfully and
15 intentionally to request criminal history record information
16 under false pretenses, or willfully and intentionally to
17 disseminate criminal history record information to any person
18 other than the subject of such information. Any person
19 convicted of a violation of this subsection commits a felony
20 of the third degree punishable as provided in s. 775.082 or s.
21 775.083.

22 (8) The Department of Law Enforcement shall promulgate
23 regulations to ensure the identity, confidentiality, and
24 security of all records and data provided pursuant to this
25 section.

26 (9) This section shall become effective at such time
27 as the Department of Law Enforcement has notified all licensed
28 importers, licensed manufacturers, and licensed dealers in
29 writing that the procedures and toll-free number described in
30 this section are operational. This section shall remain in
31

1 effect only during such times as the procedures described in
2 subsection (2) remain operational.

3 (10) A licensed importer, licensed manufacturer, or
4 licensed dealer is not required to comply with the
5 requirements of this section in the event of:

6 (a) Unavailability of telephone service at the
7 licensed premises due to the failure of the entity which
8 provides telephone service in the state, region, or other
9 geographical area in which the licensee is located to provide
10 telephone service to the premises of the licensee due to the
11 location of said premises; or the interruption of telephone
12 service by reason of hurricane, tornado, flood, natural
13 disaster, or other act of God, war, invasion, insurrection,
14 riot, or other bona fide emergency, or other reason beyond the
15 control of the licensee; or

16 (b) Failure of the Department of Law Enforcement to
17 comply with the requirements of subsections (2) and (3).

18 (11) Compliance with the provisions of this chapter
19 shall be a complete defense to any claim or cause of action
20 under the laws of any state for liability for damages arising
21 from the importation or manufacture, or the subsequent sale or
22 transfer to any person who has been convicted in any court of
23 a crime punishable by imprisonment for a term exceeding 1
24 year, of any firearm which has been shipped or transported in
25 interstate or foreign commerce. The Department of Law
26 Enforcement, its agents and employees shall not be liable for
27 any claim or cause of action under the laws of any state for
28 liability for damages arising from its actions in lawful
29 compliance with this section.

30 (12)(a) Any potential buyer or transferee who
31 willfully and knowingly provides false information or false or

1 fraudulent identification commits a felony of the third degree
2 punishable as provided in s. 775.082 or s. 775.083.

3 (b) Any licensed importer, licensed manufacturer, or
4 licensed dealer who violates the provisions of subsection (1)
5 commits a felony of the third degree punishable as provided in
6 s. 775.082 or s. 775.083.

7 (c) Any employee or agency of a licensed importer,
8 licensed manufacturer, or licensed dealer who violates the
9 provisions of subsection (1) commits a felony of the third
10 degree punishable as provided in s. 775.082 or s. 775.083.

11 (d) Any person who knowingly acquires a firearm
12 through purchase or transfer intended for the use of a person
13 who is prohibited by state or federal law from possessing or
14 receiving a firearm commits a felony of the third degree,
15 punishable as provided in s. 775.082 or s. 775.083.

16 (13) This section does not apply to employees of
17 sheriff's offices, municipal police departments, correctional
18 facilities or agencies, or other criminal justice or
19 governmental agencies when the purchases or transfers are made
20 on behalf of an employing agency for official law enforcement
21 purposes.

22 (14) This section is repealed effective June 1, 2004.

23 Section 14. Section 901.15, Florida Statutes, is
24 amended to read:

25 901.15 When arrest by officer without warrant is
26 lawful.--A law enforcement officer may arrest a person without
27 a warrant when:

28 (1) The person has committed a felony or misdemeanor
29 or violated a municipal or county ordinance in the presence of
30 the officer. An arrest for the commission of a misdemeanor or
31

1 the violation of a municipal or county ordinance shall be made
2 immediately or in fresh pursuit.

3 (2) A felony has been committed and he or she
4 reasonably believes that the person committed it.

5 (3) He or she reasonably believes that a felony has
6 been or is being committed and that the person to be arrested
7 has committed or is committing it.

8 (4) A warrant for the arrest has been issued and is
9 held by another peace officer for execution.

10 (5) A violation of chapter 316 has been committed in
11 the presence of the officer. Such an arrest may be made
12 immediately or in fresh pursuit. Any law enforcement officer,
13 upon receiving information relayed to him or her from a fellow
14 officer stationed on the ground or in the air that a driver of
15 a vehicle has violated chapter 316, may arrest the driver for
16 violation of those laws when reasonable and proper
17 identification of the vehicle and the violation has been
18 communicated to the arresting officer.

19 (6) There is probable cause to believe that the person
20 has committed a criminal act according to s. 790.233 or
21 according to s. 741.31 or s. 784.047 which violates an
22 injunction for protection entered pursuant to s. 741.30 or s.
23 784.046, or a foreign protection order accorded full faith and
24 credit pursuant to s. 741.315, over the objection of the
25 petitioner, if necessary.

26 (7) There is probable cause to believe that the person
27 has committed an act of domestic violence, as defined in s.
28 741.28. The decision to arrest shall not require consent of
29 the victim or consideration of the relationship of the
30 parties. It is the public policy of this state to strongly
31 discourage arrest and charges of both parties for domestic

1 violence on each other and to encourage training of law
2 enforcement and prosecutors in this area. A law enforcement
3 officer who acts in good faith and exercises due care in
4 making an arrest under this subsection, under s. 741.31(4) or
5 s. 784.047, or pursuant to a foreign order of protection
6 accorded full faith and credit pursuant to s. 741.315, is
7 immune from civil liability that otherwise might result by
8 reason of his or her action.

9 (8) There is probable cause to believe that the person
10 has committed child abuse, as defined in s. 827.03. The
11 decision to arrest shall not require consent of the victim or
12 consideration of the relationship of the parties. It is the
13 public policy of this state to protect abused children by
14 strongly encouraging the arrest and prosecution of persons who
15 commit child abuse. A law enforcement officer who acts in good
16 faith and exercises due care in making an arrest under this
17 subsection is immune from civil liability that otherwise might
18 result by reason of his or her action.

19 (9) There is probable cause to believe that the person
20 has committed:

21 (a) Any battery upon another person, as defined in s.
22 784.03.

23 (b) An act of criminal mischief or a graffiti-related
24 offense as described in s. 806.13.

25 (10) The officer has probable cause to believe that
26 the person has knowingly committed an act of repeat violence,
27 dating violence, or sexual violence in violation of an
28 injunction for protection ~~from repeat violence~~ entered
29 pursuant to s. 784.046 or a foreign protection order accorded
30 full faith and credit pursuant to s. 741.315.

31

1 (11) The officer has determined that he or she has
2 probable cause to believe that a misdemeanor has been
3 committed, based upon a signed affidavit provided to the
4 officer by a law enforcement officer of the United States
5 Government, recognized as such by United States statute, or a
6 United States military law enforcement officer, recognized as
7 such by the Uniform Code of Military Justice or the United
8 States Department of Defense Regulations, when the misdemeanor
9 was committed in the presence of the United States law
10 enforcement officer or the United States military law
11 enforcement officer on federal military property over which
12 the state has maintained exclusive jurisdiction for such a
13 misdemeanor.

14 (12)(a) A law enforcement officer of the Florida
15 National Guard, recognized as such by the Uniform Code of
16 Military Justice or the United States Department of Defense
17 Regulations, has probable cause to believe a felony was
18 committed on state military property or when a felony or
19 misdemeanor was committed in his or her presence on such
20 property.

21 (b) All law enforcement officers of the Florida
22 National Guard shall promptly surrender all persons arrested
23 and charged with a felony to the sheriff of the county within
24 which the state military property is located, and all persons
25 arrested and charged with misdemeanors shall be surrendered to
26 the applicable authority as may be provided by law, but
27 otherwise to the sheriff of the county in which the state
28 military property is located. The Florida National Guard
29 shall promptly notify the applicable law enforcement agency of
30 an arrest and the location of the prisoner.

31

1 (c) The Adjutant General, in consultation with the
2 Criminal Justice Standards and Training Commission, shall
3 prescribe minimum training standards for such law enforcement
4 officers of the Florida National Guard.

5 (13) He or she is employed by the State of Florida as
6 a law enforcement officer as defined in s. 943.10(1) or
7 part-time law enforcement officer as defined in s. 943.10(6),
8 and:

9 (a) He or she reasonably believes that a felony
10 involving violence has been or is being committed and that the
11 person to be arrested has committed or is committing the
12 felony;

13 (b) While engaged in the exercise of his or her state
14 law enforcement duties, the officer reasonably believes that a
15 felony has been or is being committed; or

16 (c) A felony warrant for the arrest has been issued
17 and is being held for execution by another peace officer.

18
19 Notwithstanding any other provision of law, the authority of
20 an officer pursuant to this subsection is statewide. This
21 subsection does not limit the arrest authority conferred on
22 such officer by any other provision of law.

23 (14) There is probable cause to believe that the
24 person has committed an act that violates a condition of
25 pretrial release provided in s. 903.047 when the original
26 arrest was for an act of domestic violence as defined in s.
27 741.28 or, repeat violence, dating violence, or sexual
28 violence as defined in s. 784.046.

29 (15) There is probable cause to believe that the
30 person has committed trespass in a secure area of an airport
31 when signs are posted in conspicuous areas of the airport

1 which notify that unauthorized entry into such areas
2 constitutes a trespass and specify the methods for gaining
3 authorized access to such areas. An arrest under this
4 subsection may be made on or off airport premises. A law
5 enforcement officer who acts in good faith and exercises due
6 care in making an arrest under this subsection is immune from
7 civil liability that otherwise might result by reason of the
8 law enforcement officer's action.

9 (16) There is probable cause to believe that the
10 person has committed assault upon a law enforcement officer, a
11 firefighter, an emergency medical care provider, public
12 transit employees or agents, or other specified officers as
13 set forth in s. 784.07 or has committed assault or battery
14 upon any employee of a receiving facility as defined in s.
15 394.455 who is engaged in the lawful performance of his or her
16 duties.

17 Section 15. For the purpose of incorporating the
18 amendments made by this act to section 784.048, Florida
19 Statutes, in references, thereto, paragraph (g) of subsection
20 (3) of section 921.0022, Florida Statutes, is reenacted to
21 read:

22 921.0022 Criminal Punishment Code; offense severity
23 ranking chart.--

24 (3) OFFENSE SEVERITY RANKING CHART

25
26 Florida Felony
27 Statute Degree Description

28
29
30
31

(g) LEVEL 7

1	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
2			injury.
3	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
4			bodily injury.
5	402.319(2)	2nd	Misrepresentation and negligence
6			or intentional act resulting in
7			great bodily harm, permanent
8			disfiguration, permanent
9			disability, or death.
10	409.920(2)	3rd	Medicaid provider fraud.
11	456.065(2)	3rd	Practicing a health care
12			profession without a license.
13	456.065(2)	2nd	Practicing a health care
14			profession without a license
15			which results in serious bodily
16			injury.
17	458.327(1)	3rd	Practicing medicine without a
18			license.
19	459.013(1)	3rd	Practicing osteopathic medicine
20			without a license.
21	460.411(1)	3rd	Practicing chiropractic medicine
22			without a license.
23	461.012(1)	3rd	Practicing podiatric medicine
24			without a license.
25	462.17	3rd	Practicing naturopathy without a
26			license.
27	463.015(1)	3rd	Practicing optometry without a
28			license.
29	464.016(1)	3rd	Practicing nursing without a
30			license.
31			

1	465.015(2)	3rd	Practicing pharmacy without a
2			license.
3	466.026(1)	3rd	Practicing dentistry or dental
4			hygiene without a license.
5	467.201	3rd	Practicing midwifery without a
6			license.
7	468.366	3rd	Delivering respiratory care
8			services without a license.
9	483.828(1)	3rd	Practicing as clinical laboratory
10			personnel without a license.
11	483.901(9)	3rd	Practicing medical physics
12			without a license.
13	484.013(1)(c)	3rd	Preparing or dispensing optical
14			devices without a prescription.
15	484.053	3rd	Dispensing hearing aids without a
16			license.
17	494.0018(2)	1st	Conviction of any violation of
18			ss. 494.001-494.0077 in which the
19			total money and property
20			unlawfully obtained exceeded
21			\$50,000 and there were five or
22			more victims.
23	560.123(8)(b)1.	3rd	Failure to report currency or
24			payment instruments exceeding
25			\$300 but less than \$20,000 by
26			money transmitter.
27	560.125(5)(a)	3rd	Money transmitter business by
28			unauthorized person, currency or
29			payment instruments exceeding
30			\$300 but less than \$20,000.
31			

1	655.50(10)(b)1.	3rd	Failure to report financial
2			transactions exceeding \$300 but
3			less than \$20,000 by financial
4			institution.
5	782.051(3)	2nd	Attempted felony murder of a
6			person by a person other than the
7			perpetrator or the perpetrator of
8			an attempted felony.
9	782.07(1)	2nd	Killing of a human being by the
10			act, procurement, or culpable
11			negligence of another
12			(manslaughter).
13	782.071	2nd	Killing of human being or viable
14			fetus by the operation of a motor
15			vehicle in a reckless manner
16			(vehicular homicide).
17	782.072	2nd	Killing of a human being by the
18			operation of a vessel in a
19			reckless manner (vessel
20			homicide).
21	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
22			causing great bodily harm or
23			disfigurement.
24	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
25			weapon.
26	784.045(1)(b)	2nd	Aggravated battery; perpetrator
27			aware victim pregnant.
28	784.048(4)	3rd	Aggravated stalking; violation of
29			injunction or court order.
30	784.07(2)(d)	1st	Aggravated battery on law
31			enforcement officer.

1	784.074(1)(a)	1st	Aggravated battery on sexually
2			violent predators facility staff.
3	784.08(2)(a)	1st	Aggravated battery on a person 65
4			years of age or older.
5	784.081(1)	1st	Aggravated battery on specified
6			official or employee.
7	784.082(1)	1st	Aggravated battery by detained
8			person on visitor or other
9			detainee.
10	784.083(1)	1st	Aggravated battery on code
11			inspector.
12	790.07(4)	1st	Specified weapons violation
13			subsequent to previous conviction
14			of s. 790.07(1) or (2).
15	790.16(1)	1st	Discharge of a machine gun under
16			specified circumstances.
17	790.165(2)	2nd	Manufacture, sell, possess, or
18			deliver hoax bomb.
19	790.165(3)	2nd	Possessing, displaying, or
20			threatening to use any hoax bomb
21			while committing or attempting to
22			commit a felony.
23	790.166(3)	2nd	Possessing, selling, using, or
24			attempting to use a hoax weapon
25			of mass destruction.
26	790.166(4)	2nd	Possessing, displaying, or
27			threatening to use a hoax weapon
28			of mass destruction while
29			committing or attempting to
30			commit a felony.
31			

1	796.03	2nd	Procuring any person under 16
2			years for prostitution.
3	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
4			victim less than 12 years of age;
5			offender less than 18 years.
6	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
7			victim 12 years of age or older
8			but less than 16 years; offender
9			18 years or older.
10	806.01(2)	2nd	Maliciously damage structure by
11			fire or explosive.
12	810.02(3)(a)	2nd	Burglary of occupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
15			unarmed; no assault or battery.
16	810.02(3)(d)	2nd	Burglary of occupied conveyance;
17			unarmed; no assault or battery.
18	812.014(2)(a)	1st	Property stolen, valued at
19			\$100,000 or more; cargo stolen
20			valued at \$50,000 or more;
21			property stolen while causing
22			other property damage; 1st degree
23			grand theft.
24	812.014(2)(b)3.	2nd	Property stolen, emergency
25			medical equipment; 2nd degree
26			grand theft.
27	812.0145(2)(a)	1st	Theft from person 65 years of age
28			or older; \$50,000 or more.
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1	812.019(2)	1st	Stolen property; initiates,
2			organizes, plans, etc., the theft
3			of property and traffics in
4			stolen property.
5	812.131(2)(a)	2nd	Robbery by sudden snatching.
6	812.133(2)(b)	1st	Carjacking; no firearm, deadly
7			weapon, or other weapon.
8	817.234(11)(c)	1st	Insurance fraud; property value
9			\$100,000 or more.
10	825.102(3)(b)	2nd	Neglecting an elderly person or
11			disabled adult causing great
12			bodily harm, disability, or
13			disfigurement.
14	825.103(2)(b)	2nd	Exploiting an elderly person or
15			disabled adult and property is
16			valued at \$20,000 or more, but
17			less than \$100,000.
18	827.03(3)(b)	2nd	Neglect of a child causing great
19			bodily harm, disability, or
20			disfigurement.
21	827.04(3)	3rd	Impregnation of a child under 16
22			years of age by person 21 years
23			of age or older.
24	837.05(2)	3rd	Giving false information about
25			alleged capital felony to a law
26			enforcement officer.
27	872.06	2nd	Abuse of a dead human body.
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1	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), (2)(b), or
5			(2)(c)4.) within 1,000 feet of a
6			child care facility or school.
7	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
8			cocaine or other drug prohibited
9			under s. 893.03(1)(a), (1)(b),
10			(1)(d), (2)(a), (2)(b), or
11			(2)(c)4., within 1,000 feet of
12			property used for religious
13			services or a specified business
14			site.
15	893.13(4)(a)	1st	Deliver to minor cocaine (or
16			other s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4. drugs).
19	893.135(1)(a)1.	1st	Trafficking in cannabis, more
20			than 25 lbs., less than 2,000
21			lbs.
22	893.135		
23	(1)(b)1.a.	1st	Trafficking in cocaine, more than
24			28 grams, less than 200 grams.
25	893.135		
26	(1)(c)1.a.	1st	Trafficking in illegal drugs,
27			more than 4 grams, less than 14
28			grams.
29			
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1	893.135		
2	(1)(d)1.	1st	Trafficking in phencyclidine,
3			more than 28 grams, less than 200
4			grams.
5	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
6			than 200 grams, less than 5
7			kilograms.
8	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
9			than 14 grams, less than 28
10			grams.
11	893.135		
12	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
13			grams or more, less than 14
14			grams.
15	893.135		
16	(1)(h)1.a.	1st	Trafficking in
17			gamma-hydroxybutyric acid (GHB),
18			1 kilogram or more, less than 5
19			kilograms.
20	893.135		
21	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
22			kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
26			10 grams or more, less than 200
27			grams.
28	896.101(5)(a)	3rd	Money laundering, financial
29			transactions exceeding \$300 but
30			less than \$20,000.
31			

1 896.104(4)(a)1. 3rd Structuring transactions to evade
2 reporting or registration
3 requirements, financial
4 transactions exceeding \$300 but
5 less than \$20,000.

6 Section 16. Paragraph (e) of section (2) of section
7 943.05, Florida Statutes, is amended to read:

8 943.05 Criminal Justice Information Program; duties;
9 crime reports.--

10 (2) The program shall:

11 (e) Establish, implement, and maintain a ~~Domestic and~~
12 ~~Repeat~~ Violence Injunction Statewide Verification System
13 capable of electronically transmitting information to and
14 between criminal justice agencies relating to injunctions
15 against domestic violence, repeat violence, dating violence,
16 and sexual violence ~~domestic violence injunctions and repeat~~
17 ~~violence injunctions~~ issued by the courts throughout the
18 state. Such information must include, but is not limited to,
19 information as to the existence and status of any such
20 injunction for verification purposes.

21 Section 17. This act shall take effect July 1, 2003.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 294

4
5 Amends section 61.1825, F.S., to add injunctions against
6 dating violence and sexual violence to the types of violence
7 injunctions that require the placement of a family violence
8 indicator on Title-IV child support cases in the state case
9 registry. It also reflects the redesignation of the Domestic
10 Violence and Repeat Injunction Statewide Verification System
11 as the "Violence Injunction Statewide Verification System."

12
13 Reenacts section 61.1827, F.S., to incorporate and conform to
14 the changes made to ss.61.1825, 741.31 and 784.046.

15
16 Amends section 741.2901(3), F.S., to add injunctions against
17 dating violence and sexual violence to the types of violence
18 injunctions for which the state attorney in a domestic
19 violence investigation is obligated to check into a
20 defendant's history.

21
22 Amends section 741.30, F.S., to reflect the new name of the
23 "Violence Injunction Statewide Verification System." Reenacts
24 741.31, F.S., relating to violations of injunctions against
25 domestic violence, to incorporate and conform to the changes
26 made to s.741.2901 and 741.315, F.S.

27
28 Amends section 775.315, F.S., to clarify that repeat violence
29 injunctions, dating violence injunctions, and the newly
30 created sexual violence injunctions entered by a court of a
31 foreign state are to be accorded full faith and credit as are
currently accorded injunctions against domestic violence.

Amends section 775.084(1), F.S., to reflect the addition of
the violence of an injunction against sexual violence as an
underlying element for the offense of aggravated stalking
which subjects an offender to enhanced penalties and mandatory
minimum prison terms for habitual offenders and violence
career criminals.

Amends section 784.047, F.S., to create a first-degree
misdemeanor for violation of an injunction against sexual
violence is currently the case for violation of an injunction
against dating violence or repeat violence as granted under s.
784.046, F.S.

Amends section 784.048, F.S., to add that violation of a
sexual violence injunction constitutes an underlying element
of aggravated stalking when the person knowingly, willfully,
maliciously, and repeatedly follows or harasses another person
after such injunction is issued.

Amends section 790.06, F.S., to reflect that the existence of
a dating violence injunction and a sexual violence injunction
may be the basis for denying or suspending a license or
application for a firearm which is currently the case for
domestic violence injunctions and repeat violence injunctions.

Amends section 790.065, F.S., to require criminal background

1 checks during the sale and delivery of firearms to include a
2 review of records for entry of an injunction against sexual
3 violence which is currently the case for injunctions against
4 dating violence, domestic violence or repeat violence.
5 Amends section 901.15, F.S., to allow law enforcement to
6 arrest a person without a warrant under specified
7 circumstances when there is probable cause to believe that the
8 person has violated an injunction against sexual violence
9 which authority is already granted in statute for violation of
10 injunctions against repeat violence and dating violence or a
11 foreign protection order accorded full faith and credit under
12 s. 741.315, F.S.
13 Reenacts section 921.0022(3)(g), F.S., relating to the
14 offense severity ranking chart for sentencing under the
15 criminal punishment code, to incorporate and conform to the
16 changes made to s. 784.048(4), F.S., which adds dating
17 violence and sexual violence as an underlying element for the
18 third-degree felony offense of aggravated stalking.
19 Amends section 943.05(2), F.S., to require reporting of
20 injunctions against sexual violence and dating violence to the
21 list of injunctions to be reported to the statewide
22 verification system of the Criminal Justice Information
23 Program and renames injunction statewide verification system.
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