

By Senator Crist

12-1129-04

1 A bill to be entitled
2 An act relating to domestic violence; amending
3 s. 784.046, F.S.; providing that a petitioner
4 for an injunction for protection against sexual
5 violence may list the address of his or her
6 current residence in a separate confidential
7 filing; amending s. 784.047, F.S.; providing
8 that an act of sexual violence committed in
9 violation of an injunction for protection
10 against sexual violence is a first-degree
11 misdemeanor; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Paragraph (b) of subsection (4) of section
16 184.046, Florida Statutes, is amended to read:

17 784.046 Action by victim of repeat violence, sexual
18 violence, or dating violence for protective injunction; powers
19 and duties of court and clerk of court; filing and form of
20 petition; notice and hearing; temporary injunction; issuance;
21 statewide verification system; enforcement.--

22 (4)

23 (b) The sworn petition must be in substantially the
24 following form:

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26 PETITION FOR INJUNCTION FOR PROTECTION AGAINST REPEAT
27 VIOLENCE, SEXUAL VIOLENCE, OR DATING VIOLENCE

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

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1. Petitioner resides at ...(address)...

(A petitioner for an injunction for protection against sexual violence may furnish an address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of his or her current residence to be confidential.)

2. Respondent resides at ...(address)...

3.a. Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has:
...(enumerate incidents of violence)...

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.....

b. Petitioner has suffered sexual violence as demonstrated by the fact that the respondent has: (enumerate incident of violence and include attach incident report number from a ~~by~~ law enforcement agency or notice of inmate release.)

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.....

c. Petitioner is a victim of dating violence and has reasonable cause to believe that he or she is in imminent danger of becoming the victim of another act of dating violence or has reasonable cause to believe that he or she is

1 in imminent danger of becoming a victim of dating violence, as
2 demonstrated by the fact that the respondent has: ...(list the
3 specific incident or incidents of violence and describe the
4 length of time of the relationship, whether it has been in
5 existence during the last 6 months, the nature of the
6 relationship of a romantic or intimate nature, the frequency
7 and type of interaction, and any other facts that characterize
8 the relationship.)...

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14 4. Petitioner genuinely fears repeat violence by the
15 respondent.

16 5. Petitioner seeks: an immediate injunction against
17 the respondent, enjoining him or her from committing any
18 further acts of violence; an injunction enjoining the
19 respondent from committing any further acts of violence; and
20 an injunction providing any terms the court deems necessary
21 for the protection of the petitioner and the petitioner's
22 immediate family, including any injunctions or directives to
23 law enforcement agencies.

24 Section 2. Section 784.047, Florida Statutes, is
25 amended to read:

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

- 1 (1) Refusing to vacate the dwelling that the parties
2 share;
- 3 (2) Going to the petitioner's residence, school, place
4 of employment, or a specified place frequented regularly by
5 the petitioner and any named family or household member;
- 6 (3) Committing an act of repeat violence, sexual
7 violence, or dating violence against the petitioner;
- 8 (4) Committing any other violation of the injunction
9 through an intentional unlawful threat, word, or act to do
10 violence to the petitioner; or
- 11 (5) Telephoning, contacting, or otherwise
12 communicating with the petitioner directly or indirectly,
13 unless the injunction specifically allows indirect contact
14 through a third party;

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

18 Section 3. This act shall take effect July 1, 2004.

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21 SENATE SUMMARY

22 Allows a petitioner for an injunction for protection
23 against sexual violence to list the address of his or her
24 current residence in a separate confidential filing.
25 Provides that committing an act of sexual violence in
26 violation of an injunction for protection is a
27 misdemeanor of the first degree.

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