

By Senator Saunders

37-75-04

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.; deleting the definition of the term
5 "repeat violence" for purposes of protective
6 injunctions; providing for an injunction for
7 protection in cases of violence rather than in
8 cases of repeat violence; providing
9 requirements for a petition for protection
10 against violence; redesignating the Domestic,
11 Dating, and Repeat Violence Injunction
12 Statewide Verification System in the Department
13 of Law Enforcement as the "Violence Injunction
14 Statewide Verification System"; providing for
15 service of process and enforcement of an
16 injunction for protection against violence;
17 amending s. 784.047, F.S.; providing that it is
18 a first-degree misdemeanor to violate an
19 injunction for protection against violence;
20 amending ss. 61.1825, 741.2901, and 741.30,
21 F.S., relating to the State Case Registry and
22 domestic violence; providing for the award of
23 attorney's fees, costs, and certain other
24 expenses in specified circumstances; conforming
25 provisions to changes made by the act; amending
26 s. 784.048, F.S.; revising the elements of the
27 offense of aggravated stalking to prohibit
28 certain acts following an injunction for
29 protection against violence rather than
30 following an injunction for protection against
31 repeat violence; amending ss. 790.06 and

1 790.065, F.S., relating to a license to carry a
2 concealed weapon or firearm and the sale and
3 delivery of firearms; conforming provisions to
4 changes made by the act; amending s. 901.15,
5 F.S.; authorizing arrest without a warrant when
6 an officer has probable cause to believe that a
7 person has knowingly committed an act of
8 violence in violation of an injunction for
9 protection from violence; amending s. 943.05,
10 F.S., relating to the Criminal Justice
11 Information Program; conforming provisions to
12 changes made by the act; reenacting ss.
13 775.084(1)(d) and 921.0022(3)(g), F.S.,
14 relating to violent career criminals and the
15 offense severity ranking chart of the Criminal
16 Punishment Code, to incorporate the amendment
17 to s. 784.048, F.S., in references thereto;
18 providing an effective date.

19

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

21

22 Section 1. This act may be cited as the Tonda Soisson
23 Protective Injunction Act.

24 Section 2. Section 784.046, Florida Statutes, is
25 amended to read:

26 784.046 Action by victim of ~~repeat~~ violence, sexual
27 violence, or dating violence for protective injunction; powers
28 and duties of court and clerk of court; filing and form of
29 petition; notice and hearing; temporary injunction; issuance;
30 statewide verification system; enforcement.--

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

1 (a) "Violence" means any assault, aggravated assault,
2 battery, aggravated battery, sexual assault, sexual battery,
3 stalking, aggravated stalking, kidnapping, or false
4 imprisonment, or any criminal offense resulting in physical
5 injury or death, by a person against any other person.

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

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

- 12 1. Sexual battery, as defined in chapter 794;
13 2. A lewd or lascivious act, as defined in chapter
14 800, committed upon or in the presence of a person younger
15 than 16 years of age;
16 3. Luring or enticing a child, as described in chapter
17 787;
18 4. Sexual performance by a child, as described in
19 chapter 827; or
20 5. Any other forcible felony wherein a sexual act is
21 committed or attempted,

22
23 regardless of whether criminal charges based on the incident
24 were filed, reduced, or dismissed by the state attorney.

25 (c)(d) "Dating violence" means violence between
26 individuals who have or have had a continuing and significant
27 relationship of a romantic or intimate nature. The existence
28 of such a relationship shall be determined based on the
29 consideration of the following factors:

- 30 1. A dating relationship must have existed within the
31 past 6 months;

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

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

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

13 (2) There is created a cause of action for an
14 injunction for protection in cases of ~~repeat~~ violence, there
15 is created a separate cause of action for an injunction for
16 protection in cases of dating violence, and there is created a
17 separate cause of action for an injunction for protection in
18 cases of sexual violence.

19 (a) Any person who:

20 1. Is the victim of ~~repeat~~ violence and who has
21 reasonable cause to believe that he or she is in imminent
22 danger of becoming the victim of another act of violence;

23 2. Has reasonable cause to believe that he or she is
24 in imminent danger of becoming the victim of an act of
25 violence; or

26 3. Is the parent or legal guardian of a ~~any~~ minor
27 child ~~who is~~ living at home and who seeks an injunction for
28 protection against ~~repeat~~ violence on behalf of the minor
29 child,

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

3 (b) Any person who:

4 1. Is the victim of dating violence and has reasonable
5 cause to believe he or she is in imminent danger of becoming
6 the victim of another act of dating violence; ~~or any person~~
7 ~~who~~

8 2. Has reasonable cause to believe he or she is in
9 imminent danger of becoming the victim of an act of dating
10 violence; ~~or~~

11 3. Is the parent or legal guardian of any minor child
12 ~~who is~~ living at home and ~~who~~ seeks an injunction for
13 protection against dating violence on behalf of that minor
14 child,

15
16 has standing in the circuit court to file a sworn petition for
17 an injunction for protection against dating violence.

18 (c) A person who is the victim of sexual violence or
19 the parent or legal guardian of a minor child who is living at
20 home ~~who is~~ the victim of sexual violence has standing in the
21 circuit court to file a sworn petition for an injunction for
22 protection against sexual violence on his or her own behalf or
23 on behalf of the minor child if:

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

29 2. The respondent who committed the sexual violence
30 against the victim or minor child was sentenced to a term of
31 imprisonment in state prison for the sexual violence and the

1 respondent's term of imprisonment has expired or is due to
2 expire within 90 days following the date the petition is
3 filed.

4 (d) A cause of action for an injunction may be sought
5 whether or not any other petition, complaint, or cause of
6 action is currently available or pending between the parties.

7 (e) A cause of action for an injunction does not
8 require that the petitioner be represented by an attorney.

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

13 (b) Notwithstanding any other law, the clerk of the
14 court may not assess a fee for filing a petition for
15 protection against ~~repeat~~ violence, sexual violence, or dating
16 violence. However, subject to legislative appropriation, the
17 clerk of the court may, each quarter, submit to the Office of
18 the State Courts Administrator a certified request for
19 reimbursement for petitions for protection issued by the court
20 under this section at the rate of \$40 per petition. The
21 request for reimbursement shall be submitted in the form and
22 manner prescribed by the Office of the State Courts
23 Administrator. From this reimbursement, the clerk shall pay
24 the law enforcement agency serving the injunction the fee
25 requested by the law enforcement agency; however, this fee may
26 not exceed \$20.

27 (c) ~~No bond shall be required by~~ The court may not
28 require a bond for the entry of an injunction.

29 (d) The clerk of the court shall provide the
30 petitioner with a certified copy of any injunction for
31

1 protection against ~~repeat~~ violence, sexual violence, or dating
2 violence entered by the court.

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

12 (b) The sworn petition must be in substantially the
13 following form:

14
15 PETITION FOR INJUNCTION FOR PROTECTION
16 AGAINST REPEAT VIOLENCE, SEXUAL
17 VIOLENCE, OR DATING VIOLENCE
18

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

- 22
- 23 1. Petitioner resides at ...(address)...
 - 24 2. Respondent resides at ...(address)...
 - 25 3.a. Petitioner is a victim of violence and has
26 reasonable cause to believe that he or she is in imminent
27 danger of becoming the victim of another act of violence or
28 has reasonable cause to believe that he or she is in imminent
29 danger of becoming a victim of ~~has suffered repeat~~ violence,
30 as demonstrated by the fact that the respondent has:
31 ...(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 attach incident report 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 in imminent danger of becoming a victim of dating violence, as demonstrated by the fact that the respondent has: ...(list the specific incident or incidents of violence and describe the length of time of the relationship, whether it has been in existence during the last 6 months, the nature of the relationship of a romantic or intimate nature, the frequency and type of interaction, and any other facts that characterize the relationship.)...

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1 4. Petitioner genuinely fears ~~repeat~~ violence by the
2 respondent.

3 5. Petitioner seeks: an immediate injunction against
4 the respondent, enjoining him or her from committing any
5 further acts of violence; an injunction enjoining the
6 respondent from committing any further acts of violence; and
7 an injunction providing any terms the court deems necessary
8 for the protection of the petitioner and the petitioner's
9 immediate family, including any injunctions or directives to
10 law enforcement agencies.

11 (5) Upon the filing of the petition, the court shall
12 set a hearing to be held at the earliest possible time. The
13 respondent shall be personally served with a copy of the
14 petition, notice of hearing, and temporary injunction, if any,
15 prior to the hearing.

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

22 (b) In a hearing ex parte for the purpose of obtaining
23 such temporary injunction, ~~no~~ evidence other than the verified
24 pleading or affidavit may not ~~shall~~ be used as evidence,
25 unless the respondent appears at the hearing or has received
26 reasonable notice of the hearing.

27 (c) Any such ex parte temporary injunction shall be
28 effective for a fixed period not to exceed 15 days. However,
29 an ex parte temporary injunction granted under subparagraph
30 (2)(c)2. is effective for 15 days following the date the
31 respondent is released from incarceration. A full hearing, as

1 provided by this section, shall be set for a date no later
2 than the date when the temporary injunction ceases to be
3 effective. The court may grant a continuance of the ex parte
4 injunction and the full hearing before or during a hearing,
5 for good cause shown by any party.

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

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

11 2.(b) Ordering such other relief as the court deems
12 necessary for the protection of the petitioner, including
13 injunctions or directives to law enforcement agencies, as
14 provided in this section.

15 (b)(c) The terms of the injunction shall remain in
16 full force and effect until modified or dissolved. Either
17 party may move at any time to modify or dissolve the
18 injunction. Such relief may be granted in addition to other
19 civil or criminal remedies.

20 (c)(d) A temporary or final judgment on injunction for
21 protection against ~~repeat~~ violence, sexual violence, or dating
22 violence entered pursuant to this section shall, on its face,
23 indicate that:

24 1. The injunction is valid and enforceable in all
25 counties of the State of Florida.

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

29 3. The court had jurisdiction over the parties and
30 matter under the laws of Florida and that reasonable notice
31 and opportunity to be heard was given to the person against

1 whom the order is sought sufficient to protect that person's
2 right to due process.

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

5 (8)(a)1. The clerk of the court shall furnish a copy
6 of the petition, notice of hearing, and temporary injunction,
7 if any, to the sheriff or a law enforcement agency of the
8 county where the respondent resides or can be found, who shall
9 serve it upon the respondent as soon thereafter as possible on
10 any day of the week and at any time of the day or night. The
11 clerk of the court shall be responsible for furnishing to the
12 sheriff such information on the respondent's physical
13 description and location as is required by the department to
14 comply with the verification procedures set forth in this
15 section. Notwithstanding any other provision of law to the
16 contrary, the chief judge of each circuit, in consultation
17 with the appropriate sheriff, may authorize a law enforcement
18 agency within the chief judge's jurisdiction to effect this
19 type of service and to receive a portion of the service fee.
20 No person shall be authorized or permitted to serve or execute
21 an injunction issued under this section unless the person is a
22 law enforcement officer as defined in chapter 943.

23 2. If the respondent is in the custody of the
24 Department of Corrections and the petition for an injunction
25 has been filed as provided in subparagraph (2)(c)2., the clerk
26 of the court shall furnish a copy of the petition, notice of
27 hearing, and temporary injunction, if any, to the Department
28 of Corrections and copies shall be served upon the respondent
29 as soon thereafter as possible on any day of the week and at
30 any time of the day or night. The petition, notice of hearing,
31 or temporary injunction may be served in a state prison by a

1 correctional officer as defined in chapter 943. If the
2 respondent in custody is not served before his or her release,
3 a copy of the petition, notice of hearing, and temporary
4 injunction, if any, shall be forwarded to the sheriff of the
5 county specified in the respondent's release plan for service
6 as provided in subparagraph 1.

7 3. 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 the execution or
11 service of the injunction. A law enforcement officer shall
12 accept a copy of an injunction for protection against ~~repeat~~
13 violence, sexual violence, or dating violence, certified by
14 the clerk of the court, from the petitioner and immediately
15 serve it upon a respondent who has been located but not yet
16 served.

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

29 (c)1. Within 24 hours after the court issues an
30 injunction for protection against ~~repeat~~ violence, sexual
31 violence, or dating violence or changes or vacates an

1 injunction for protection against ~~repeat~~ violence, sexual
2 violence, or dating violence, the clerk of the court must
3 forward a copy of the injunction to the sheriff with
4 jurisdiction over the residence of the petitioner.

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

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

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

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

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

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

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

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

26 Section 3. Section 784.047, Florida Statutes, is
27 amended to read:

28 784.047 Penalties for violating protective injunction
29 against violators.--A person who willfully violates an
30 injunction for protection against ~~repeat~~ violence or dating
31 violence, issued pursuant to s. 784.046, or a foreign

1 protection order accorded full faith and credit pursuant to s.
2 741.315 by:

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

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

8 (3) Committing an act of ~~repeat~~ violence or dating
9 violence against the petitioner;

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

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

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

20 Section 4. Paragraph (a) of subsection (3) of section
21 61.1825, Florida 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 has been granted pursuant to s.

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

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

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

13 741.2901 Domestic violence cases; prosecutors;
14 legislative intent; investigation; duty of circuits; first
15 appearance.--

16 (3) Prior to a defendant's first appearance in any
17 charge of domestic violence as defined in s. 741.28, the State
18 Attorney's Office shall perform a thorough investigation of
19 the defendant's history, including, but not limited to: prior
20 arrests for domestic violence, prior arrests for nondomestic
21 charges, prior injunctions for protection against domestic
22 violence or ~~and repeat~~ violence filed listing the defendant as
23 respondent and noting history of other victims, and prior
24 walk-in domestic complaints filed against the defendant. This
25 information shall be presented at first appearance, when
26 setting bond, and when passing sentence, for consideration by
27 the court. When a defendant is arrested for an act of
28 domestic violence, the defendant shall be held in custody
29 until brought before the court for admittance to bail in
30 accordance with chapter 903. In determining bail, the court
31 shall consider the safety of the victim, the victim's

1 children, and any other person who may be in danger if the
2 defendant is released.

3 Section 6. Paragraph (c) of subsection (2), paragraph
4 (a) of subsection (6), and paragraph (b) of subsection (8) of
5 section 741.30, Florida Statutes, as amended by section 113 of
6 chapter 2003-402, Laws of Florida, are amended to read:

7 741.30 Domestic violence; injunction; powers and
8 duties of court and clerk; petition; notice and hearing;
9 temporary injunction; issuance of injunction; statewide
10 verification system; enforcement.--

11 (2)

12 (c)1. The clerk of the court shall assist petitioners
13 in seeking both injunctions for protection against domestic
14 violence and enforcement for a violation thereof as specified
15 in this section.

16 2. All clerks' offices shall provide simplified
17 petition forms for the injunction, any modifications, and the
18 enforcement thereof, including instructions for completion.

19 3. The clerk of the court shall advise petitioners of
20 the opportunity to apply for a certificate of indigence in
21 lieu of prepayment for the cost of the filing fee, as provided
22 in paragraph (a).

23 4. The clerk of the court shall ensure the
24 petitioner's privacy to the extent practical while completing
25 the forms for injunctions for protection against domestic
26 violence.

27 5. The clerk of the court shall provide petitioners
28 with a minimum of two certified copies of the order of
29 injunction, one of which is serviceable and will inform the
30 petitioner of the process for service and enforcement.

31

1 6. Clerks of court and appropriate staff in each
2 county shall receive training in the effective assistance of
3 petitioners as provided or approved by the Florida Association
4 of Court Clerks.

5 7. The clerk of the court in each county shall make
6 available informational brochures on domestic violence when
7 such brochures are provided by local certified domestic
8 violence centers.

9 8. The clerk of the court in each county shall
10 distribute a statewide uniform informational brochure to
11 petitioners at the time of filing for an injunction for
12 protection against domestic violence or ~~repeat~~ violence when
13 such brochures become available. The brochure must include
14 information about the effect of giving the court false
15 information about domestic violence.

16 (6)(a) Upon notice and hearing, when it appears to the
17 court that the petitioner is either the victim of domestic
18 violence as defined by s. 741.28 or has reasonable cause to
19 believe he or she is in imminent danger of becoming a victim
20 of domestic violence, the court may grant such relief as the
21 court deems proper, including an injunction:

22 1. Restraining the respondent from committing any acts
23 of domestic violence.

24 2. Awarding to the petitioner the exclusive use and
25 possession of the dwelling that the parties share or excluding
26 the respondent from the residence of the petitioner.

27 3. On the same basis as provided in chapter 61,
28 awarding temporary custody of, or temporary visitation rights
29 with regard to, a minor child or children of the parties.

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1 4. On the same basis as provided in chapter 61,
2 establishing temporary support for a minor child or children
3 or the petitioner.

4 5. Ordering the respondent to participate in
5 treatment, intervention, or counseling services to be paid for
6 by the respondent. When the court orders the respondent to
7 participate in a batterers' intervention program, the court,
8 or any entity designated by the court, must provide the
9 respondent with a list of all certified batterers'
10 intervention programs and all programs which have submitted an
11 application to the Department of Corrections to become
12 certified under s. 741.325, from which the respondent must
13 choose a program in which to participate. If there are no
14 certified batterers' intervention programs in the circuit, the
15 court shall provide a list of acceptable programs from which
16 the respondent must choose a program in which to participate.

17 6. Referring a petitioner to a certified domestic
18 violence center. The court must provide the petitioner with a
19 list of certified domestic violence centers in the circuit
20 which the petitioner may contact.

21 7. Ordering such other relief as the court deems
22 necessary for the protection of a victim of domestic violence,
23 including injunctions or directives to law enforcement
24 agencies, as provided in this section.

25
26 If the court has entered an ex parte temporary injunction and
27 determines at the extension hearing that the petitioner did
28 not have reasonable cause to believe that he or she was in
29 danger of becoming the victim of an act of domestic violence,
30 or if the court finds that the petitioner knowingly provided
31 false information to the court regarding the alleged domestic

1 violence, the court may award respondent reasonable attorney's
2 fees and costs and the reasonable reimbursement of temporary
3 living expenses resulting from the issuance of the ex parte
4 temporary injunction.

5 (8)

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

17 Section 7. Subsection (4) of section 784.048, Florida
18 Statutes, is amended to read:

19 784.048 Stalking; definitions; penalties.--

20 (4) Any person who, after an injunction for protection
21 against ~~repeat~~ violence or dating violence pursuant to s.
22 784.046, or an injunction for protection against domestic
23 violence pursuant to s. 741.30, or after any other
24 court-imposed prohibition of conduct toward the subject person
25 or that person's property, knowingly, willfully, maliciously,
26 and repeatedly follows, harasses, or cyberstalks another
27 person commits the offense of aggravated stalking, a felony of
28 the third degree, punishable as provided in s. 775.082, s.
29 775.083, or s. 775.084.

30 Section 8. Subsections (2) and (3) of section 790.06,
31 Florida Statutes, are amended to read:

1 790.06 License to carry concealed weapon or firearm.--

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

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

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

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

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

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

21 (f) Does not chronically and habitually use alcoholic
22 beverages or other substances to the extent that his or her
23 normal faculties are impaired. It shall be presumed that an
24 applicant chronically and habitually uses alcoholic beverages
25 or other substances to the extent that his or her normal
26 faculties are impaired if the applicant has been committed
27 under chapter 397 or under the provisions of former chapter
28 396 or has been convicted under s. 790.151 or has been deemed
29 a habitual offender under s. 856.011(3), or has had two or
30 more convictions under s. 316.193 or similar laws of any other
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1 state, within the 3-year period immediately preceding the date
2 on which the application is submitted;

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

5 (h) Demonstrates competence with a firearm by any one
6 of the following:

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

10 2. Completion of any National Rifle Association
11 firearms safety or training course;

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

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

24 5. Presents evidence of equivalent experience with a
25 firearm through participation in organized shooting
26 competition or military service;

27 6. Is licensed or has been licensed to carry a firearm
28 in this state or a county or municipality of this state,
29 unless such license has been revoked for cause; or
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1 7. Completion of any firearms training or safety
2 course or class conducted by a state-certified or National
3 Rifle Association certified firearms instructor;

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

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

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

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

3 (1) Has not been issued an injunction that is
4 currently in force and effect and that restrains the applicant
5 from committing acts of domestic violence or acts of ~~repeat~~
6 violence; and

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

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

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1 committing acts of domestic violence or acts of ~~repeat~~
2 violence.

3 Section 9. Paragraph (c) of subsection (2) of section
4 790.065, Florida Statutes, is amended to read:

5 790.065 Sale and delivery of firearms.--

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

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

19 907.041(4)(a) or for any of the following enumerated offenses:

- 20 a. Criminal anarchy under ss. 876.01 and 876.02.
21 b. Extortion under s. 836.05.
22 c. Explosives violations under s. 552.22(1) and (2).
23 d. Controlled substances violations under chapter 893.
24 e. Resisting an officer with violence under s. 843.01.
25 f. Weapons and firearms violations under this chapter.
26 g. Treason under s. 876.32.
27 h. Assisting self-murder under s. 782.08.
28 i. Sabotage under s. 876.38.
29 j. Stalking or aggravated stalking under s. 784.048.

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

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

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

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

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

23 6. If the buyer is so prohibited, the conditional
24 nonapproval number shall become a nonapproval number.

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

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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 Section 10. Subsection (10) of section 901.15, Florida
13 Statutes, is amended to read:

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

17 (10) The officer has probable cause to believe that
18 the person has knowingly committed an act of ~~repeat~~
19 in violation of an injunction for protection from ~~repeat~~
20 violence entered pursuant to s. 784.046 or a foreign
21 protection order accorded full faith and credit pursuant to s.
22 741.315.

23 Section 11. Paragraph (e) of subsection (2) of section
24 943.05, Florida Statutes, is amended to read:

25 943.05 Criminal Justice Information Program; duties;
26 crime reports.--

27 (2) The program shall:

28 (e) Establish, implement, and maintain a ~~Domestic and~~
29 ~~Repeat~~ Violence Injunction Statewide Verification System
30 capable of electronically transmitting information to and
31 between criminal justice agencies relating to domestic

1 violence injunctions and ~~repeat violence~~ injunctions against
2 violence issued by the courts throughout the state. Such
3 information must include, but is not limited to, information
4 as to the existence and status of any such injunction for
5 verification purposes.

6 Section 12. For the purpose of incorporating the
7 amendment made by this act to section 784.048, Florida
8 Statutes, in references thereto, paragraph (d) of subsection
9 (1) of section 775.084, Florida Statutes, is reenacted to
10 read:

11 775.084 Violent career criminals; habitual felony
12 offenders and habitual violent felony offenders; three-time
13 violent felony offenders; definitions; procedure; enhanced
14 penalties or mandatory minimum prison terms.--

15 (1) As used in this act:

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

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

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

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

25 c. Aggravated child abuse, as described in s.
26 827.03(2);

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

29 e. Lewd or lascivious battery, lewd or lascivious
30 molestation, lewd or lascivious conduct, or lewd or lascivious
31 exhibition, as described in s. 800.04;

1 f. Escape, as described in s. 944.40; or
2 g. A felony violation of chapter 790 involving the use
3 or possession of a firearm.

4 2. The defendant has been incarcerated in a state
5 prison or a federal prison.

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

9 a. While the defendant was serving a prison sentence
10 or other sentence, or court-ordered or lawfully imposed
11 supervision that is imposed as a result of a prior conviction
12 for an enumerated felony; or

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

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

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

26 Section 13. For the purpose of incorporating the
27 amendment made by this act to section 784.048, Florida
28 Statutes, in references thereto, paragraph (g) of subsection
29 (3) of section 921.0022, Florida Statutes, is reenacted to
30 read:

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1 921.0022 Criminal Punishment Code; offense severity
2 ranking chart.--
3 (3) OFFENSE SEVERITY RANKING CHART
4
5 Florida Felony
6 Statute Degree Description
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8
9 (g) LEVEL 7
10 316.027(1)(b) 2nd Accident involving death, failure
11 to stop; leaving scene.
12 316.193(3)(c)2. 3rd DUI resulting in serious bodily
13 injury.
14 327.35(3)(c)2. 3rd Vessel BUI resulting in serious
15 bodily injury.
16 402.319(2) 2nd Misrepresentation and negligence
17 or intentional act resulting in
18 great bodily harm, permanent
19 disfiguration, permanent
20 disability, or death.
21 409.920(2) 3rd Medicaid provider fraud.
22 456.065(2) 3rd Practicing a health care
23 profession without a license.
24 456.065(2) 2nd Practicing a health care
25 profession without a license
26 which results in serious bodily
27 injury.
28 458.327(1) 3rd Practicing medicine without a
29 license.
30 459.013(1) 3rd Practicing osteopathic medicine
31 without a license.

1	460.411(1)	3rd	Practicing chiropractic medicine
2			without a license.
3	461.012(1)	3rd	Practicing podiatric medicine
4			without a license.
5	462.17	3rd	Practicing naturopathy without a
6			license.
7	463.015(1)	3rd	Practicing optometry without a
8			license.
9	464.016(1)	3rd	Practicing nursing without a
10			license.
11	465.015(2)	3rd	Practicing pharmacy without a
12			license.
13	466.026(1)	3rd	Practicing dentistry or dental
14			hygiene without a license.
15	467.201	3rd	Practicing midwifery without a
16			license.
17	468.366	3rd	Delivering respiratory care
18			services without a license.
19	483.828(1)	3rd	Practicing as clinical laboratory
20			personnel without a license.
21	483.901(9)	3rd	Practicing medical physics
22			without a license.
23	484.013(1)(c)	3rd	Preparing or dispensing optical
24			devices without a prescription.
25	484.053	3rd	Dispensing hearing aids without a
26			license.
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1	494.0018(2)	1st	Conviction of any violation of
2			ss. 494.001-494.0077 in which the
3			total money and property
4			unlawfully obtained exceeded
5			\$50,000 and there were five or
6			more victims.
7	560.123(8)(b)1.	3rd	Failure to report currency or
8			payment instruments exceeding
9			\$300 but less than \$20,000 by
10			money transmitter.
11	560.125(5)(a)	3rd	Money transmitter business by
12			unauthorized person, currency or
13			payment instruments exceeding
14			\$300 but less than \$20,000.
15	655.50(10)(b)1.	3rd	Failure to report financial
16			transactions exceeding \$300 but
17			less than \$20,000 by financial
18			institution.
19	782.051(3)	2nd	Attempted felony murder of a
20			person by a person other than the
21			perpetrator or the perpetrator of
22			an attempted felony.
23	782.07(1)	2nd	Killing of a human being by the
24			act, procurement, or culpable
25			negligence of another
26			(manslaughter).
27	782.071	2nd	Killing of human being or viable
28			fetus by the operation of a motor
29			vehicle in a reckless manner
30			(vehicular homicide).
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1	782.072	2nd	Killing of a human being by the
2			operation of a vessel in a
3			reckless manner (vessel
4			homicide).
5	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
6			causing great bodily harm or
7			disfigurement.
8	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
9			weapon.
10	784.045(1)(b)	2nd	Aggravated battery; perpetrator
11			aware victim pregnant.
12	784.048(4)	3rd	Aggravated stalking; violation of
13			injunction or court order.
14	784.07(2)(d)	1st	Aggravated battery on law
15			enforcement officer.
16	784.074(1)(a)	1st	Aggravated battery on sexually
17			violent predators facility staff.
18	784.08(2)(a)	1st	Aggravated battery on a person 65
19			years of age or older.
20	784.081(1)	1st	Aggravated battery on specified
21			official or employee.
22	784.082(1)	1st	Aggravated battery by detained
23			person on visitor or other
24			detainee.
25	784.083(1)	1st	Aggravated battery on code
26			inspector.
27	790.07(4)	1st	Specified weapons violation
28			subsequent to previous conviction
29			of s. 790.07(1) or (2).
30	790.16(1)	1st	Discharge of a machine gun under
31			specified circumstances.

1	790.165(2)	2nd	Manufacture, sell, possess, or
2			deliver hoax bomb.
3	790.165(3)	2nd	Possessing, displaying, or
4			threatening to use any hoax bomb
5			while committing or attempting to
6			commit a felony.
7	790.166(3)	2nd	Possessing, selling, using, or
8			attempting to use a hoax weapon
9			of mass destruction.
10	790.166(4)	2nd	Possessing, displaying, or
11			threatening to use a hoax weapon
12			of mass destruction while
13			committing or attempting to
14			commit a felony.
15	796.03	2nd	Procuring any person under 16
16			years for prostitution.
17	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
18			victim less than 12 years of age;
19			offender less than 18 years.
20	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
21			victim 12 years of age or older
22			but less than 16 years; offender
23			18 years or older.
24	806.01(2)	2nd	Maliciously damage structure by
25			fire or explosive.
26	810.02(3)(a)	2nd	Burglary of occupied dwelling;
27			unarmed; no assault or battery.
28	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
29			unarmed; no assault or battery.
30	810.02(3)(d)	2nd	Burglary of occupied conveyance;
31			unarmed; no assault or battery.

1	812.014(2)(a)	1st	Property stolen, valued at
2			\$100,000 or more; cargo stolen
3			valued at \$50,000 or more;
4			property stolen while causing
5			other property damage; 1st degree
6			grand theft.
7	812.014(2)(b)3.	2nd	Property stolen, emergency
8			medical equipment; 2nd degree
9			grand theft.
10	812.0145(2)(a)	1st	Theft from person 65 years of age
11			or older; \$50,000 or more.
12	812.019(2)	1st	Stolen property; initiates,
13			organizes, plans, etc., the theft
14			of property and traffics in
15			stolen property.
16	812.131(2)(a)	2nd	Robbery by sudden snatching.
17	812.133(2)(b)	1st	Carjacking; no firearm, deadly
18			weapon, or other weapon.
19	817.234(8)(a)	2nd	Solicitation of motor vehicle
20			accident victims with intent to
21			defraud.
22	817.234(9)	2nd	Organizing, planning, or
23			participating in an intentional
24			motor vehicle collision.
25	817.234(11)(c)	1st	Insurance fraud; property value
26			\$100,000 or more.
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1	817.2341(2)(b)& (3)(b)1st		Making false entries of material
2			fact or false statements
3			regarding property values
4			relating to the solvency of an
5			insuring entity which are a
6			significant cause of the
7			insolvency of that entity.
8	825.102(3)(b)	2nd	Neglecting an elderly person or
9			disabled adult causing great
10			bodily harm, disability, or
11			disfigurement.
12	825.103(2)(b)	2nd	Exploiting an elderly person or
13			disabled adult and property is
14			valued at \$20,000 or more, but
15			less than \$100,000.
16	827.03(3)(b)	2nd	Neglect of a child causing great
17			bodily harm, disability, or
18			disfigurement.
19	827.04(3)	3rd	Impregnation of a child under 16
20			years of age by person 21 years
21			of age or older.
22	837.05(2)	3rd	Giving false information about
23			alleged capital felony to a law
24			enforcement officer.
25	838.015	2nd	Bribery.
26	838.016	2nd	Unlawful compensation or reward
27			for official behavior.
28	838.021(3)(a)	2nd	Unlawful harm to a public
29			servant.
30	838.22	2nd	Bid tampering.
31	872.06	2nd	Abuse of a dead human body.

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, school, or
7			state, county, or municipal park
8			or publicly owned recreational
9			facility or community center.
10	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
11			cocaine or other drug prohibited
12			under s. 893.03(1)(a), (1)(b),
13			(1)(d), (2)(a), (2)(b), or
14			(2)(c)4., within 1,000 feet of
15			property used for religious
16			services or a specified business
17			site.
18	893.13(4)(a)	1st	Deliver to minor cocaine (or
19			other s. 893.03(1)(a), (1)(b),
20			(1)(d), (2)(a), (2)(b), or
21			(2)(c)4. drugs).
22	893.135(1)(a)1.	1st	Trafficking in cannabis, more
23			than 25 lbs., less than 2,000
24			lbs.
25	893.135 (1)(b)1.a.1st		Trafficking in cocaine, more than
26			28 grams, less than 200 grams.
27	893.135 (1)(c)1.a.1st		Trafficking in illegal drugs,
28			more than 4 grams, less than 14
29			grams.
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1	893.135	(1)(d)1.	1st	Trafficking in phencyclidine,
2				more than 28 grams, less than 200
3				grams.
4	893.135(1)(e)1.		1st	Trafficking in methaqualone, more
5				than 200 grams, less than 5
6				kilograms.
7	893.135(1)(f)1.		1st	Trafficking in amphetamine, more
8				than 14 grams, less than 28
9				grams.
10	893.135	(1)(g)1.a.1st		Trafficking in flunitrazepam, 4
11				grams or more, less than 14
12				grams.
13	893.135	(1)(h)1.a.1st		Trafficking in
14				gamma-hydroxybutyric acid (GHB),
15				1 kilogram or more, less than 5
16				kilograms.
17	893.135	(1)(j)1.a.1st		Trafficking in 1,4-Butanediol, 1
18				kilogram or more, less than 5
19				kilograms.
20	893.135	(1)(k)2.a.1st		Trafficking in Phenethylamines,
21				10 grams or more, less than 200
22				grams.
23	896.101(5)(a)		3rd	Money laundering, financial
24				transactions exceeding \$300 but
25				less than \$20,000.
26	896.104(4)(a)1.		3rd	Structuring transactions to evade
27				reporting or registration
28				requirements, financial
29				transactions exceeding \$300 but
30				less than \$20,000.
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1 Section 14. This act shall take effect October 1,
2 2004.

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5 SENATE SUMMARY

6 Provides for an injunction for protection in cases of
7 violence rather than in cases of repeat violence.
8 Provides requirements for a petition for protection
9 against violence. Redesignates the Domestic, Dating, and
10 Repeat Violence Injunction Statewide Verification System
11 in the Department of Law Enforcement. Provides for
12 service of process and enforcement of an injunction for
13 protection against violence. Provides that it is a
14 first-degree misdemeanor to violate an injunction for
15 protection against violence. Provides for the award of
16 attorney's fees, costs, and certain other expenses in
17 specified circumstances related to the State Case
18 Registry and domestic violence. Revises the elements of
19 the offense of aggravated stalking to prohibit certain
20 acts following an injunction for protection against
21 violence rather than following an injunction for
22 protection against repeat violence. Authorizes arrest
23 without a warrant when a law enforcement officer has
24 probable cause to believe that a person has knowingly
25 committed an act of violence in violation of an
26 injunction for protection from violence.
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