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1 A bill to be entitled
2 An act relating to domestic violence and stalking;
3 amending s. 741.28, F.S.; redefining the term "domestic
4 violence"; amending s. 784.046, F.S.; removing the terms
5 "stalking" and "aggravated stalking" from the definition
6 of "violence" as it pertains to repeat violence, sexual
7 violence, or dating violence; requiring the clerk of the
8 court to assess a fee for filing a petition for protection
9 against repeat violence; authorizing the court to require
10 the respondent to reimburse the victim the amount of the
11 filing fee; creating s. 784.0485, F.S.; creating a cause
12 of action for an injunction for protection against
13 stalking or cyberstalking; providing that any person who
14 is the victim of stalking or cyberstalking or has
15 reasonable cause to believe that there is a credible
16 threat that he or she is in imminent danger of becoming
17 the victim of any act of stalking or cyberstalking has
18 standing in the circuit court to file a sworn petition for
19 an injunction for protection against stalking or
20 cyberstalking; providing that attorneys are not required
21 to represent the parties; prohibiting a court from issuing
22 mutual orders of protection; providing an exception for
23 issuing separate orders of protection; providing for the
24 venue where the petition for the injunction may be filed;
25 defining terms; providing for the functions and duties of
26 the clerk of the circuit court; specifying the form and
27 content of the petition for injunction for protection
28 against stalking or cyberstalking; providing for the

29 issuance of a temporary injunction ex parte when there is
30 an immediate and present danger of stalking or
31 cyberstalking against the petitioner; requiring that any
32 ex parte temporary injunction be effective for a fixed
33 period not to exceed 15 days; providing for a hearing
34 after notice; providing for the content of the injunction
35 issued for protection from stalking or cyberstalking;
36 specifying the criteria for "reasonable cause" for
37 determining whether the injunction for protection should
38 be issued; providing that the injunction and other relief
39 ordered for the protection of the victim remain in effect
40 until modified or dissolved; authorizing either party to
41 move at any time to modify or dissolve the injunction;
42 requiring the clerk of the circuit court to furnish a copy
43 of the documents to the sheriff; providing the duties and
44 functions of the sheriff's office; requiring the sheriff
45 to assist the victim to execute the orders of the court;
46 creating the Stalking and Cyberstalking Injunction
47 Statewide Verification System within the Department of Law
48 Enforcement; requiring the department to establish,
49 implement, and maintain a statewide communication system
50 capable of electronically transmitting information to and
51 between criminal justice agencies relating to stalking or
52 cyberstalking injunctions issued by the courts throughout
53 the state; authorizing the court to enforce a violation of
54 an injunction for protection against stalking or
55 cyberstalking through a civil or criminal contempt
56 proceeding or the state attorney to prosecute it as a

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57 | criminal violation; creating s. 784.0487, F.S.; providing
 58 | remedies for a willful violation of an injunction for
 59 | protection against stalking or cyberstalking; specifying
 60 | the grounds that violate the injunction; providing
 61 | criminal penalties; providing that a person who suffers an
 62 | injury or loss as a result of a violation of an injunction
 63 | for protection against stalking or cyberstalking may be
 64 | awarded economic damages for that injury or loss,
 65 | including costs and attorney's fees; providing an
 66 | effective date.

67 |

68 | Be It Enacted by the Legislature of the State of Florida:

69 |

70 | Section 1. Subsection (2) of section 741.28, Florida
 71 | Statutes, is amended to read:

72 | 741.28 Domestic violence; definitions.—As used in ss.
 73 | 741.28-741.31:

74 | (2) "Domestic violence" means any assault, aggravated
 75 | assault, battery, aggravated battery, sexual assault, sexual
 76 | battery, stalking, cyberstalking, aggravated stalking,
 77 | kidnapping, false imprisonment, burglary, criminal mischief,
 78 | trespass, harassing, obscene telephone calls, or any criminal
 79 | offense resulting in physical injury or death of one family or
 80 | household member, or pet, by another family or household member.

81 | Section 2. Paragraphs (a) and (b) of subsection (1) and
 82 | paragraph (b) of subsection (3) of section 784.046, Florida
 83 | Statutes, are amended to read:

84 | 784.046 Action by victim of repeat violence, sexual

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85 | violence, or dating violence for protective injunction; dating
 86 | violence investigations, notice to victims, and reporting;
 87 | pretrial release violations.—

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

89 | (a) "Violence" means any assault, aggravated assault,
 90 | battery, aggravated battery, sexual assault, sexual battery,
 91 | ~~stalking, aggravated stalking,~~ kidnapping, or false
 92 | imprisonment, or any criminal offense resulting in physical
 93 | injury or death, by a person against any other person.

94 | (b) "Repeat violence" means two incidents of violence ~~or~~
 95 | ~~stalking~~ committed by the respondent, one of which must have
 96 | been within 6 months of the filing of the petition, which are
 97 | directed against the petitioner or the petitioner's immediate
 98 | family member.

99 | (3)

100 | (b)1. Notwithstanding any other law, the clerk of the
 101 | court may not assess a fee for filing a petition for protection
 102 | against ~~repeat violence,~~ sexual violence, or dating violence.
 103 | However, subject to legislative appropriation, the clerk of the
 104 | court may, each quarter, submit to the Office of the State
 105 | Courts Administrator a certified request for reimbursement for
 106 | petitions for protection, other than for repeat violence, issued
 107 | by the court under this section at the rate of \$40 per petition.
 108 | The request for reimbursement shall be submitted in the form and
 109 | manner prescribed by the Office of the State Courts
 110 | Administrator. From this reimbursement, the clerk shall pay the
 111 | law enforcement agency serving the injunction the fee requested
 112 | by the law enforcement agency; however, this fee may not exceed

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113 \$20.

114 2. The clerk of the court shall assess a fee for filing a
115 petition for protection against repeat violence in the amount of
116 \$75 per petition. If the court determines that the petitioner is
117 a victim of repeat violence and an injunction is entered, the
118 court may order the respondent to reimburse the victim the
119 amount of the filing fee.

120 Section 3. Section 784.0485, Florida Statutes, is created
121 to read:

122 784.0485 Stalking or cyberstalking; injunction; powers and
123 duties of court and clerk; petition; notice and hearing;
124 temporary injunction; issuance of injunction; statewide
125 verification system; enforcement.—

126 (1) There is created a cause of action for an injunction
127 for protection against stalking or cyberstalking.

128 (a) Any person who is the victim of stalking or
129 cyberstalking or who has reasonable cause to believe that there
130 is a credible threat that he or she is in imminent danger of
131 becoming the victim of any act of stalking or cyberstalking has
132 standing in the circuit court to file a sworn petition for an
133 injunction for protection against stalking or cyberstalking.

134 (b) This cause of action for an injunction may be sought
135 regardless of whether any other cause of action is currently
136 pending between the parties. However, the pendency of any such
137 cause of action shall be alleged in the petition.

138 (c) The cause of action for an injunction may be sought by
139 any affected person. A person is not precluded from seeking
140 injunctive relief pursuant to this section solely on the basis

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141 that the person is not a spouse.

142 (d) This cause of action for an injunction does not
143 require either party to be represented by an attorney.

144 (e) Any person, including an officer of the court, who
145 offers evidence or recommendations relating to the cause of
146 action must present the evidence or recommendations in writing
147 to the court, with copies provided to each party and their
148 attorney, or must present the evidence under oath at a hearing
149 at which all parties are present.

150 (f) This section does not affect the title to any real
151 estate.

152 (g) The court may not issue mutual orders of protection;
153 however, the court is not precluded from issuing separate
154 injunctions for protection against stalking or cyberstalking if
155 each party has complied with the provisions of this section.
156 Compliance with this section may not be waived.

157 (h) Notwithstanding any provision of chapter 47, a
158 petition for an injunction for protection against stalking or
159 cyberstalking may be filed in the circuit where the petitioner
160 currently or temporarily resides, where the respondent resides,
161 or where the stalking or cyberstalking occurred. There is no
162 minimum requirement of residency to petition for an injunction
163 for protection.

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

165 (a) "Course of conduct" means a pattern of conduct
166 composed of a series of acts over a period of time, however
167 short, evidencing a continuity of purpose. The term does not
168 include constitutionally protected activity. Such

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169 constitutionally protected activity includes picketing or other
170 organized protests.

171 (b) "Credible threat" means a threat made with the intent
172 to cause the person who is the target of the threat to
173 reasonably fear for his or her safety. The threat must be
174 against the life of, or a threat to cause bodily injury to, a
175 person.

176 (c) "Cyberstalk" means to engage in a course of conduct to
177 communicate, or to cause to be communicated, words, images, or
178 language by or through the use of electronic mail or electronic
179 communication, directed at a specific person, causing
180 substantial emotional distress to that person and serving no
181 legitimate purpose.

182 (d) "Harassment" means to engage in a course of conduct
183 directed at a specific person which causes substantial emotional
184 distress in such person and serves no legitimate purpose.

185 (e) "Stalking" means the repeated and obsessive harassment
186 of a person by another who, through a course of conduct,
187 presents a credible threat to the victim in ways that alarm and
188 frighten the victim. Typically, stalking begins with annoying or
189 threatening phone calls, letters, or electronic communications
190 and escalates to constant following or surveillance.

191 (3) (a) Notwithstanding any other law, the assessment of a
192 filing fee for a petition for protection against stalking is
193 prohibited. However, subject to legislative appropriation, the
194 clerk of the circuit court may, on a quarterly basis, submit to
195 the Office of the State Courts Administrator a certified request
196 for reimbursement for petitions for protection against stalking

197 issued by the court, at the rate of \$40 per petition. The
 198 request for reimbursement shall be submitted in the form and
 199 manner prescribed by the Office of the State Courts
 200 Administrator. From this reimbursement, the clerk shall pay any
 201 law enforcement agency serving the injunction the fee requested
 202 by the law enforcement agency; however, this fee may not exceed
 203 \$20.

204 (b) A bond is not required by the court for the entry of
 205 an injunction.

206 (c)1. The clerk of the court shall assist petitioners in
 207 seeking both injunctions for protection against stalking and
 208 enforcement of a violation thereof as specified in this section.

209 2. All offices of the clerk of the court shall provide
 210 simplified petition forms for the injunction and any
 211 modifications to and the enforcement thereof, including
 212 instructions for completion.

213 3. The clerk of the court shall ensure the petitioner's
 214 privacy to the extent practicable while completing the forms for
 215 injunctions for protection against stalking.

216 4. The clerk of the court shall provide petitioners with a
 217 minimum of two certified copies of the order of injunction, one
 218 of which is serviceable and will inform the petitioner of the
 219 process for service and enforcement.

220 5. Clerks of court and appropriate staff in each county
 221 shall receive training in the effective assistance of
 222 petitioners as provided or approved by the Florida Association
 223 of Court Clerks.

224 6. The clerk of the court in each county shall make

225 available informational brochures on stalking when such
 226 brochures are provided by local certified violence centers.

227 7. The clerk of the court in each county shall distribute
 228 a statewide uniform informational brochure to petitioners at the
 229 time of filing for an injunction for protection against stalking
 230 or cyberstalking when such brochures become available. The
 231 brochure must include information about the effect of giving the
 232 court false information.

233 (4) (a) The sworn petition shall allege the existence of
 234 such stalking and shall include the specific facts and
 235 circumstances for which relief is sought.

236 (b) The sworn petition shall be in substantially the
 237 following form:

238
 239 PETITION FOR
 240 INJUNCTION FOR PROTECTION
 241 AGAINST STALKING
 242

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

246 (a) Petitioner resides at: ...(address)...
 247 (Petitioner may furnish address to the court in a separate
 248 confidential filing if, for safety reasons, the petitioner
 249 requires the location of the current residence to be
 250 confidential.)

251 (b) Respondent resides at: ...(last known address)...

252 (c) Respondent's last known place of employment: ...(name

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253 of business and address)...

254 (d) Physical description of respondent:

255 Race

256 Sex

257 Date of birth

258 Height

259 Weight

260 Eye color

261 Hair color

262 Distinguishing marks or scars

263 (e) Aliases of respondent:

264 (f) The following describes any other cause of action

265 currently pending between the petitioner and respondent:

266 _____

267 The petitioner should also describe any previous or pending

268 attempts by the petitioner to obtain an injunction for

269 protection against stalking in this or any other circuit, and

270 the results of that attempt. (Case numbers should be included if

271 available.)

272 _____

273 (g) Petitioner is a victim of stalking or cyberstalking or

274 has reasonable cause to believe he or she is in imminent danger

275 of becoming a victim of stalking or cyberstalking because

276 respondent has(Mark all sections that apply and describe in

277 the spaces below the incidents of violence or threats of

278 violence, specifying when and where they occurred, including,

279 but not limited to, locations such as a home, school, or place

280 of employment.)

281 committed or threatened to commit stalking.
 282 previously threatened, harassed, stalked,
 283 cyberstalked, or physically abused the petitioner.
 284 threatened to harm the petitioner or family members or
 285 individuals closely associated with the petitioner.
 286 intentionally injured or killed a family pet.
 287 used, or has threatened to use, against the petitioner
 288 any weapons such as guns or knives.
 289 a criminal history involving violence or the threat of
 290 violence (if known).
 291 another order of protection issued against him or her
 292 previously or from another jurisdiction (if known).
 293 destroyed personal property, including, but not
 294 limited to, telephones or other communication equipment,
 295 clothing, or other items belonging to the petitioner.
 296 engaged in any other behavior or conduct that leads
 297 the petitioner to have reasonable cause to believe that he or
 298 she is in imminent danger of becoming a victim of stalking or
 299 cyberstalking.
 300 (h) Petitioner genuinely fears imminent stalking or
 301 cyberstalking by respondent.
 302 (i) Petitioner seeks an injunction: (Mark appropriate
 303 section or sections.)
 304 Immediately restraining the respondent from committing
 305 any acts of stalking or cyberstalking.
 306 Restraining the respondent from committing any acts of
 307 stalking or cyberstalking.
 308 Directing the respondent to participate in a

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309 batterers' intervention program or other treatment pursuant to
 310 s. 39.901, Florida Statutes.

311 Providing any terms the court deems necessary for the
 312 protection of a victim of stalking or cyberstalking, including
 313 any injunctions or directives to law enforcement agencies.

314 (j) Every petition for an injunction against stalking or
 315 cyberstalking shall contain, directly above the signature line,
 316 a statement in all capital letters and bold type not smaller
 317 than the surrounding text, as follows:

318
 319 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND
 320 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT
 321 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE
 322 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
 323 SECTION 837.02, FLORIDA STATUTES.

324 ...(initials)...

325
 326 (5) Upon the filing of the petition, the court shall set a
 327 hearing to be held at the earliest possible time. The respondent
 328 shall be personally served with a copy of the petition, notice
 329 of hearing, and temporary injunction, if any, before the
 330 hearing.

331 (6) (a) If it appears to the court that an immediate and
 332 present danger of stalking or cyberstalking exists, the court
 333 may grant a temporary injunction ex parte, pending a full
 334 hearing, and may grant such relief as the court deems proper,
 335 including an injunction restraining the respondent from
 336 committing any acts of stalking or cyberstalking.

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337 (b) In a hearing ex parte for the purpose of obtaining
338 such ex parte temporary injunction, no evidence other than
339 verified pleadings or affidavits shall be used as evidence,
340 unless the respondent appears at the hearing or has received
341 reasonable notice of the hearing. A denial of a petition for an
342 ex parte injunction shall be by written order noting the legal
343 grounds for denial. If the only ground for denial is no
344 appearance of an immediate and present danger of stalking or
345 cyberstalking, the court shall set a full hearing on the
346 petition for injunction with notice at the earliest possible
347 time. Nothing herein affects a petitioner's right to promptly
348 amend any petition, or otherwise be heard in person on any
349 petition consistent with the Florida Rules of Civil Procedure.

350 (c) Any such ex parte temporary injunction shall be
351 effective for a fixed period not to exceed 15 days. A full
352 hearing, as provided in this section, shall be set for a date no
353 later than the date when the temporary injunction ceases to be
354 effective. The court may grant a continuance of the hearing
355 before or during a hearing for good cause shown by any party,
356 which shall include a continuance to obtain service of process.
357 Any injunction shall be extended if necessary to remain in full
358 force and effect during any period of continuance.

359 (7) (a) Upon notice and hearing, when it appears to the
360 court that the petitioner is the victim of stalking or
361 cyberstalking as defined in subsection (2) or has reasonable
362 cause to believe that there is a credible threat that he or she
363 is in imminent danger of becoming a victim of stalking or
364 cyberstalking, the court may grant such relief as the court

365 deems proper, including an injunction:

366 1. Restraining the respondent from committing any acts of
 367 stalking or cyberstalking.

368 2. Ordering the respondent to participate in treatment,
 369 intervention, or counseling services to be paid for by the
 370 respondent. When the court orders the respondent to participate
 371 in a batterers' intervention program, the court, or any entity
 372 designated by the court, must provide the respondent with a list
 373 of all certified batterers' intervention programs and all
 374 programs that have submitted an application to the Department of
 375 Children and Family Services to become certified under s.
 376 741.32, from which the respondent must choose a program in which
 377 to participate. If there are no certified batterers'
 378 intervention programs in the circuit, the court shall provide a
 379 list of acceptable programs from which the respondent must
 380 choose a program in which to participate.

381 3. Referring a petitioner to a certified violence center.
 382 The court must provide the petitioner with a list of certified
 383 violence centers in the circuit which the petitioner may
 384 contact.

385 4. Ordering such other relief as the court deems necessary
 386 for the protection of a victim of stalking or cyberstalking,
 387 including injunctions or directives to law enforcement agencies,
 388 as provided in this section.

389 (b) In determining whether a petitioner has reasonable
 390 cause to believe that there is a credible threat that he or she
 391 is in imminent danger of becoming a victim of stalking or
 392 cyberstalking, the court shall consider and evaluate all

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393 relevant factors alleged in the petition, including, but not
394 limited to:

395 1. The history between the petitioner and the respondent,
396 including threats, harassment, stalking or cyberstalking, and
397 physical abuse.

398 2. Whether the respondent has attempted to harm the
399 petitioner or family members or individuals closely associated
400 with the petitioner.

401 3. Whether the respondent has intentionally injured or
402 killed a family pet.

403 4. Whether the respondent has used, or has threatened to
404 use, against the petitioner any weapons such as guns or knives.

405 5. Whether the respondent has a criminal history involving
406 violence or the threat of violence.

407 6. The existence of a verifiable order of protection
408 issued previously or from another jurisdiction.

409 7. Whether the respondent has destroyed personal property,
410 including, but not limited to, telephones or other
411 communications equipment, clothing, or other items belonging to
412 the petitioner.

413 8. Whether the respondent engaged in any other behavior or
414 conduct that leads the petitioner to have reasonable cause to
415 believe that there is a credible threat that he or she is in
416 imminent danger of becoming a victim of stalking or
417 cyberstalking.

418
419 In making its determination under this paragraph, the court is
420 not limited to those factors enumerated in subparagraphs 1.-8.

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421 (c) The terms of an injunction restraining the respondent
422 under subparagraph (a)1. or ordering other relief for the
423 protection of the victim under subparagraph (a)4. shall remain
424 in effect until modified or dissolved. Either party may move at
425 any time to modify or dissolve the injunction. No specific
426 allegations are required. Such relief may be granted in addition
427 to other civil or criminal remedies.

428 (d) A temporary or final judgment on injunction for
429 protection against stalking or cyberstalking entered pursuant to
430 this section shall, on its face, indicate that:

431 1. The injunction is valid and enforceable in all counties
432 of the State of Florida.

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

435 3. The court had jurisdiction over the parties and matter
436 under the laws of Florida and that reasonable notice and
437 opportunity to be heard was given to the person against whom the
438 order is sought sufficient to protect that person's right to due
439 process.

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

442 (e) An injunction for protection against stalking or
443 cyberstalking entered pursuant to this section, on its face, may
444 order that the respondent attend a batterers' intervention
445 program as a condition of the injunction. Unless the court makes
446 written factual findings in its judgment or order which are
447 based on substantial evidence, stating why batterers'
448 intervention programs would be inappropriate, the court shall

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449 order the respondent to attend a batterers' intervention program
450 if:

451 1. It finds that the respondent willfully violated the ex
452 parte injunction;

453 2. The respondent, in this state or any other state, has
454 been convicted of, had adjudication withheld on, or pled nolo
455 contendere to a crime involving violence or a threat of
456 violence; or

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

460
461 It is mandatory that such programs be certified under s. 741.32.

462 (f) The fact that a separate order of protection is
463 granted to each opposing party is not legally sufficient to deny
464 any remedy to either party or to prove that the parties are
465 equally at fault or equally endangered.

466 (g) A final judgment on injunction for protection against
467 stalking or cyberstalking entered pursuant to this section must,
468 on its face, indicate that it is a violation of s. 790.233 and a
469 first-degree misdemeanor for the respondent to have in his or
470 her care, custody, possession, or control any firearm or
471 ammunition.

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

475 (8) The court shall allow an advocate from a state
476 attorney's office, an advocate from a law enforcement agency, or

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477 an advocate from a certified violence center who is registered
478 under s. 39.905 to be present with the petitioner or respondent
479 during any court proceedings or hearings related to the
480 injunction for protection if the petitioner or respondent has
481 made such a request and the advocate is able to be present.

482 (9) (a) 1. The clerk of the court shall furnish a copy of
483 the petition, notice of hearing, and temporary injunction, if
484 any, to the sheriff or a law enforcement agency of the county
485 where the respondent resides or can be found, who shall serve it
486 upon the respondent as soon thereafter as possible on any day of
487 the week and at any time of the day or night. When requested by
488 the sheriff, the clerk of the court may transmit a facsimile
489 copy of an injunction that has been certified by the clerk of
490 the court, and this facsimile copy may be served in the same
491 manner as a certified copy. Upon receiving a facsimile copy, the
492 sheriff must verify receipt with the sender before attempting to
493 serve it on the respondent. In addition, if the sheriff is in
494 possession of an injunction for protection that has been
495 certified by the clerk of the court, the sheriff may transmit a
496 facsimile copy of that injunction to a law enforcement officer
497 who shall serve it in the same manner as a certified copy. The
498 clerk of the court shall furnish to the sheriff such information
499 concerning the respondent's physical description and location as
500 is required by the department to comply with the verification
501 procedures set forth in this section. Notwithstanding any other
502 provision of law to the contrary, the chief judge of each
503 circuit, in consultation with the appropriate sheriff, may
504 authorize a law enforcement agency within the jurisdiction to

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505 effect service. A law enforcement agency serving injunctions
506 pursuant to this section shall use service and verification
507 procedures consistent with those of the sheriff.

508 2. When an injunction is issued, if the petitioner
509 requests the assistance of a law enforcement agency, the court
510 may order that an officer from the appropriate law enforcement
511 agency accompany the petitioner to assist in the execution or
512 service of the injunction. A law enforcement officer shall
513 accept a copy of an injunction for protection against stalking,
514 certified by the clerk of the court, from the petitioner and
515 immediately serve it upon a respondent who has been located but
516 not yet served.

517 3. All orders issued, changed, continued, extended, or
518 vacated subsequent to the original service of documents
519 enumerated under subparagraph 1. shall be certified by the clerk
520 of the court and delivered to the parties at the time of the
521 entry of the order. The parties may acknowledge receipt of such
522 order in writing on the face of the original order. If a party
523 fails or refuses to acknowledge the receipt of a certified copy
524 of an order, the clerk shall note on the original order that
525 service was effected. If delivery at the hearing is not
526 possible, the clerk shall mail certified copies of the order to
527 the parties at the last known address of each party. Service by
528 mail is complete upon mailing. When an order is served pursuant
529 to this subsection, the clerk shall prepare a written
530 certification to be placed in the court file specifying the
531 time, date, and method of service and shall notify the sheriff.

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533 If the respondent has been served previously with the temporary
534 injunction and has failed to appear at the initial hearing on
535 the temporary injunction, any subsequent petition for injunction
536 seeking an extension of time may be served on the respondent by
537 the clerk of the court by certified mail in lieu of personal
538 service by a law enforcement officer.

539 (b) There is created a Stalking and Cyberstalking
540 Injunction Statewide Verification System within the Department
541 of Law Enforcement. The department shall establish, implement,
542 and maintain a statewide communication system capable of
543 electronically transmitting information to and between criminal
544 justice agencies relating to stalking or cyberstalking
545 injunctions issued by the courts throughout the state. Such
546 information must include, but is not limited to, information as
547 to the existence and status of any injunction for verification
548 purposes.

549 (c)1. Within 24 hours after the court issues an injunction
550 for protection against stalking or cyberstalking or changes,
551 continues, extends, or vacates an injunction for protection
552 against stalking or cyberstalking, the clerk of the court must
553 forward a certified copy of the injunction for service to the
554 sheriff having jurisdiction over the residence of the
555 petitioner. The injunction must be served in accordance with
556 this subsection.

557 2. Within 24 hours after service of process of an
558 injunction for protection against stalking or cyberstalking upon
559 a respondent, the law enforcement officer must forward the
560 written proof of service of process to the sheriff having

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561 jurisdiction over the residence of the petitioner.

562 3. Within 24 hours after the sheriff receives a certified
563 copy of the injunction for protection against stalking or
564 cyberstalking, the sheriff must make information relating to the
565 injunction available to other law enforcement agencies by
566 electronically transmitting such information to the department.

567 4. Within 24 hours after the sheriff or other law
568 enforcement officer has made service upon the respondent and the
569 sheriff has been so notified, the sheriff must make information
570 relating to the service available to other law enforcement
571 agencies by electronically transmitting such information to the
572 department.

573 5. Within 24 hours after an injunction for protection
574 against stalking or cyberstalking is vacated, terminated, or
575 otherwise rendered no longer effective by ruling of the court,
576 the clerk of the court must notify the sheriff receiving
577 original notification of the injunction as provided in
578 subparagraph 2. That agency shall, within 24 hours after
579 receiving such notification from the clerk of the court, notify
580 the department of such action of the court.

581 (10) (a) The court may enforce a violation of an injunction
582 for protection against stalking or cyberstalking through a civil
583 or criminal contempt proceeding or the state attorney may
584 prosecute it as a criminal violation under s. 784.0487. The
585 court may enforce the respondent's compliance with the
586 injunction through any appropriate civil and criminal remedies,
587 including, but not limited to, a monetary assessment or a fine.
588 The clerk of the court shall collect and receive such

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589 assessments or fines. On a monthly basis, the clerk shall
 590 transfer the moneys collected pursuant to this paragraph to the
 591 State Treasury for deposit into the Domestic Violence Trust
 592 Fund.

593 (b) If the respondent is arrested by a law enforcement
 594 officer under s. 901.15(6) or for a violation of s. 741.31, the
 595 respondent shall be held in custody until brought before the
 596 court as expeditiously as possible for the purpose of enforcing
 597 the injunction and for admittance to bail in accordance with
 598 chapter 903 and the applicable rules of criminal procedure,
 599 pending a hearing.

600 (11) The petitioner or the respondent may move the court
 601 to modify or dissolve an injunction at any time.

602 Section 4. Section 784.0487, Florida Statutes, is created
 603 to read:

604 784.0487 Violation of an injunction for protection against
 605 stalking or cyberstalking.—

606 (1) In the event of a violation of the injunction for
 607 protection against stalking or cyberstalking when there has not
 608 been an arrest, the petitioner may contact the clerk of the
 609 circuit court of the county in which the violation is alleged to
 610 have occurred. The clerk shall assist the petitioner in the
 611 preparation of an affidavit in support of the violation or
 612 direct the petitioner to the office operated by the court within
 613 the circuit that has been designated by the chief judge of that
 614 circuit as the central intake point for injunction violations
 615 and where the petitioner can receive assistance in the
 616 preparation of the affidavit in support of the violation.

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617 (2) The affidavit shall be immediately forwarded by the
618 office assisting the petitioner to the state attorney of that
619 circuit and to such court or judge as the chief judge of that
620 circuit determines to be the recipient of affidavits of
621 violation. If the affidavit alleges that a crime has been
622 committed, the office assisting the petitioner shall also
623 forward a copy of the petitioner's affidavit to the appropriate
624 law enforcement agency for investigation. No later than 20 days
625 after receiving the initial report, the local law enforcement
626 agency shall complete its investigation and forward a report to
627 the state attorney. The policy adopted by the state attorney in
628 each circuit under s. 741.2901(2) shall include a policy
629 regarding intake of alleged violations of injunctions for
630 protection against stalking or cyberstalking under this section.
631 The intake shall be supervised by a prosecutor who has been
632 designated and assigned to handle stalking or cyberstalking
633 cases. The state attorney shall determine within 30 working days
634 whether its office will file criminal charges, prepare a motion
635 for an order to show cause as to why the respondent should not
636 be held in criminal contempt, or prepare both as alternative
637 findings, or file notice that the case remains under
638 investigation or is pending subject to some other action.

639 (3) If the court has knowledge, based on its familiarity
640 with the case, that the petitioner or another person is in
641 immediate danger if the court fails to act before the decision
642 of the state attorney to prosecute, it shall immediately issue
643 an order of appointment of the state attorney to file a motion
644 for an order to show cause as to why the respondent should not

645 be held in contempt. If the court does not issue an order of
 646 appointment of the state attorney, it shall immediately notify
 647 the state attorney that the court is proceeding to enforce the
 648 violation through criminal contempt.

649 (4) (a) A person who willfully violates an injunction for
 650 protection against stalking or cyberstalking issued pursuant to
 651 s. 784.0485, or a foreign protection order accorded full faith
 652 and credit pursuant to s. 741.315, by:

653 1. Going to, or being within 500 feet of, the petitioner's
 654 residence, school, place of employment, or a specified place
 655 frequented regularly by the petitioner and any named family or
 656 household member;

657 2. Committing an act of stalking or cyberstalking against
 658 the petitioner;

659 3. Committing any other violation of the injunction
 660 through an intentional unlawful threat, word, or act to do
 661 violence to the petitioner;

662 4. Telephoning, contacting, or otherwise communicating
 663 with the petitioner, directly or indirectly, unless the
 664 injunction specifically allows indirect contact through a third
 665 party;

666 5. Knowingly and intentionally coming within 100 feet of
 667 the petitioner's motor vehicle, whether or not that vehicle is
 668 occupied;

669 6. Defacing or destroying the petitioner's personal
 670 property, including the petitioner's motor vehicle; or

671 7. Refusing to surrender firearms or ammunition if ordered
 672 to do so by the court,

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673
674 commits a misdemeanor of the first degree, punishable as
675 provided in s. 775.082 or s. 775.083.

676 (b)1. It is a violation of s. 790.233, and a misdemeanor
677 of the first degree, punishable as provided in s. 775.082 or s.
678 775.083, for a person to violate a final injunction for
679 protection against stalking or cyberstalking by having in his or
680 her care, custody, possession, or control any firearm or
681 ammunition.

682 2. It is the intent of the Legislature that the
683 prohibition regarding possession of firearms and ammunition are
684 consistent with federal law. Accordingly, this paragraph does
685 not apply to a state or local officer, as defined in s.
686 943.10(14), who holds an active certification and who receives
687 or possesses a firearm or ammunition for use in performing
688 official duties on behalf of the officer's employing agency,
689 unless otherwise prohibited by the employing agency.

690 (5) Whether or not there is a criminal prosecution under
691 subsection (4), the court shall order the respondent to attend a
692 batterers' intervention program if it finds a willful violation
693 of a stalking or cyberstalking injunction, unless the court
694 makes written factual findings in its judgment or order which
695 are based on substantial evidence, stating why a batterers'
696 intervention program would be inappropriate.

697 (6) Any person who suffers an injury or loss as a result
698 of a violation of an injunction for protection against stalking
699 or cyberstalking may be awarded economic damages for that injury
700 or loss by the court issuing the injunction. Damages includes

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701 costs and attorney's fees for enforcement of the injunction.

702 Section 5. This act shall take effect July 1, 2011.