

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee  
 3 Representative Mayfield offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (c) of subsection (5) of section  
 8 741.30, Florida Statutes, is amended to read:

9 741.30 Domestic violence; injunction; powers and duties of  
 10 court and clerk; petition; notice and hearing; temporary  
 11 injunction; issuance of injunction; statewide verification  
 12 system; enforcement; public records exemption.—

13 (5)

14 (c) Any such ex parte temporary injunction is ~~shall be~~  
 15 effective for a fixed period not to exceed 15 days. However, if  
 16 a final injunction is issued for the same case, the  
 17 effectiveness of the ex parte temporary injunction extends until

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18 the final injunction is served upon the respondent. A full  
19 hearing, as provided by this section, shall be set for a date no  
20 later than the date when the temporary injunction ceases to be  
21 effective. The court may grant a continuance of the hearing  
22 before or during a hearing for good cause shown by any party,  
23 which must ~~shall~~ include a continuance to obtain service of  
24 process. An Any injunction shall be extended, if necessary, so  
25 that it remains ~~to remain~~ in full force and effect during any  
26 period of continuance.

27 Section 2. Subsection (4) of section 741.31, Florida  
28 Statutes, is amended to read:

29 741.31 Violation of an injunction for protection against  
30 domestic violence.—

31 (4) (a) A person who willfully violates an injunction for  
32 protection against domestic violence issued pursuant to s.  
33 741.30, or a foreign protection order accorded full faith and  
34 credit pursuant to s. 741.315, by:

- 35 1. Refusing to vacate the dwelling that the parties share;
- 36 2. Going to, or being within 500 feet of, the petitioner's  
37 residence, school, or place of employment, or a specified place  
38 frequented regularly by the petitioner or ~~and~~ any named family  
39 or household member;
- 40 3. Committing an act of domestic violence against the  
41 petitioner;

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42 4. Committing any other violation of the injunction  
43 through an intentional unlawful threat, word, or act to do  
44 violence to the petitioner;

45 5. Telephoning, contacting, or otherwise communicating  
46 with the petitioner directly or indirectly, unless the  
47 injunction specifically allows indirect contact through a third  
48 party;

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

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

54 8. Refusing to surrender firearms or ammunition if ordered  
55 to do so by the court

56  
57 commits a misdemeanor of the first degree, punishable as  
58 provided in s. 775.082 or s. 775.083.

59 (b)1. A person who violates a final injunction for  
60 protection against domestic violence by having in his or her  
61 care, custody, possession, or control any firearm or ammunition  
62 violates ~~It is a violation of s. 790.233,~~ and commits a  
63 misdemeanor of the first degree, punishable as provided in s.  
64 775.082 or s. 775.083, ~~for a person to violate a final~~  
65 ~~injunction for protection against domestic violence by having in~~  
66 ~~his or her care, custody, possession, or control any firearm or~~  
67 ~~ammunition.~~

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68           2. It is the intent of the Legislature that the  
69 disabilities regarding possession of firearms and ammunition are  
70 consistent with federal law. Accordingly, this paragraph does  
71 ~~shall~~ not apply to a state or local officer as defined in s.  
72 943.10(14), holding an active certification, who receives or  
73 possesses a firearm or ammunition for use in performing official  
74 duties on behalf of the officer's employing agency, unless  
75 otherwise prohibited by the employing agency.

76           Section 3. Paragraph (c) of subsection (6) of section  
77 784.046, Florida Statutes, is amended to read:

78           784.046 Action by victim of repeat violence, sexual  
79 violence, or dating violence for protective injunction; dating  
80 violence investigations, notice to victims, and reporting;  
81 pretrial release violations; public records exemption.—

82           (6)

83           (c) Any such ex parte temporary injunction is ~~shall be~~  
84 effective for a fixed period not to exceed 15 days. An ~~However,~~  
85 ~~an~~ ex parte temporary injunction granted under subparagraph  
86 (2)(c)2. is effective for 15 days following the date the  
87 respondent is released from incarceration. However, if a final  
88 injunction is issued for the same case, the effectiveness of the  
89 ex parte temporary injunction extends until the final injunction  
90 is served upon the respondent. A full hearing, as provided by  
91 this section, shall be set for a date no later than the date  
92 when the temporary injunction ceases to be effective. The court  
93 may grant a continuance of the ~~ex parte injunction and the full~~

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94 hearing before or during a hearing, for good cause shown by any  
95 party, which must include a continuance to obtain service of  
96 process. An injunction shall be extended, if necessary, so that  
97 it remains in full force and effect during any period of  
98 continuance.

99 Section 4. Section 784.047, Florida Statutes, is amended  
100 to read:

101 784.047 Penalties for violating protective injunction  
102 against violators.—

103 (1) A person who willfully violates an injunction for  
104 protection against repeat violence, sexual violence, or dating  
105 violence, issued pursuant to s. 784.046, or a foreign protection  
106 order accorded full faith and credit pursuant to s. 741.315 by:

107 (a)~~(1)~~ Refusing to vacate the dwelling that the parties  
108 share;

109 (b)~~(2)~~ Going to, or being within 500 feet of, the  
110 petitioner's residence, school, or place of employment, or a  
111 specified place frequented regularly by the petitioner or ~~and~~  
112 any named family or household member;

113 (c)~~(3)~~ Committing an act of repeat violence, sexual  
114 violence, or dating violence against the petitioner;

115 (d)~~(4)~~ Committing any other violation of the injunction  
116 through an intentional unlawful threat, word, or act to do  
117 violence to the petitioner;

118 (e)~~(5)~~ Telephoning, contacting, or otherwise communicating  
119 with the petitioner directly or indirectly, unless the

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120 injunction specifically allows indirect contact through a third  
121 party;

122 ~~(f)(6)~~ Knowingly and intentionally coming within 100 feet  
123 of the petitioner's motor vehicle, whether or not that vehicle  
124 is occupied;

125 ~~(g)(7)~~ Defacing or destroying the petitioner's personal  
126 property, including the petitioner's motor vehicle; or

127 ~~(h)(8)~~ Refusing to surrender firearms or ammunition if  
128 ordered to do so by the court,

129

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

132 (2) A person who violates a final injunction for  
133 protection against repeat violence, sexual violence, or dating  
134 violence by having in his care, custody, possession, or control  
135 any firearm or ammunition violates s. 790.233 and commits a  
136 misdemeanor in the first degree, punishable by s. 775.082 or s.  
137 775.083.

138 Section 5. Paragraph (c) of subsection (5) of section  
139 784.0485, Florida Statutes, is amended to read:

140 784.0485 Stalking; injunction; powers and duties of court  
141 and clerk; petition; notice and hearing; temporary injunction;  
142 issuance of injunction; statewide verification system;  
143 enforcement.—

144 (5)

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145 (c) Any such ex parte temporary injunction is effective  
146 for a fixed period not to exceed 15 days. However, if a final  
147 injunction is issued for the same case, the effectiveness of the  
148 ex parte temporary injunction extends until the final injunction  
149 is served upon the respondent. A full hearing, as provided in  
150 this section, shall be set for a date no later than the date  
151 when the temporary injunction ceases to be effective. The court  
152 may grant a continuance of the hearing before or during a  
153 hearing for good cause shown by any party, which must ~~shall~~  
154 include a continuance to obtain service of process. An  
155 injunction shall be extended, if necessary, so that it remains  
156 ~~to remain~~ in full force and effect during any period of  
157 continuance.

158 Section 6. Paragraph (a) of subsection (4) of section  
159 784.0487, Florida Statutes, is amended and paragraph (6) is  
160 added to read:

161 784.0487 Violation of an injunction for protection against  
162 stalking or cyberstalking.—

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

167 (a) Going to, or being within 500 feet of, the  
168 petitioner's residence, school, or place of employment, or a  
169 specified place frequented regularly by the petitioner, ~~and~~ any

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170 named family members, or individuals closely associated with the  
171 petitioner;

172  
173 commits a misdemeanor of the first degree, punishable as  
174 provided in s. 775.082 or s. 775.083.

175 (6) A person who violates a final injunction for  
176 protection against stalking or cyberstalking by having in his  
177 care, custody, possession, or control any firearm or ammunition  
178 violates s. 790.233 and commits a misdemeanor in the first  
179 degree, punishable by s. 775.082 or s. 775.083.

180 Section 7. Subsection (1) of section 790.233, Florida  
181 Statutes, is amended to read:

182 790.233 Possession of firearm or ammunition prohibited  
183 when person is subject to an injunction against committing acts  
184 of domestic violence, repeat violence, dating violence, sexual  
185 violence, stalking, or cyberstalking; penalties.-

186 (1) A person may not have in his or her care, custody,  
187 possession, or control any firearm or ammunition if the person  
188 has been issued a final injunction that is currently in force  
189 and effect, restraining that person from committing acts of:

190 (a) Domestic violence, as issued under s. 741.30;

191 (b) Repeat, dating, or sexual violence, as issued under s.  
192 784.046; or ~~from committing acts of~~

193 (c) Stalking or cyberstalking, as issued under s.

194 784.0485.



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195 Section 8. Subsections (6) and (7) of section 901.15,  
196 Florida Statutes, are amended to read:

197 901.15 When arrest by officer without warrant is lawful.—A  
198 law enforcement officer may arrest a person without a warrant  
199 when:

200 (6) There is probable cause to believe that the person has  
201 committed a criminal act according to s. 790.233 or according to  
202 s. 741.31, ~~or~~ s. 784.047, 784.0487, or s. 39.504 which violates  
203 an injunction for protection entered pursuant to s. 741.30, ~~or~~  
204 s. 784.046, s. 784.0485, or s. 39.504, or a foreign protection  
205 order accorded full faith and credit pursuant to s. 741.315,  
206 over the objection of the petitioner, if necessary.

207 (7) There is probable cause to believe that the person has  
208 committed an act of domestic violence~~;~~ as defined in s. 741.28;~~;~~  
209 ~~or~~ dating violence, repeat violence, or sexual violence as  
210 provided in s. 784.046; stalking or cyberstalking as provided in  
211 s. 784.0485; or an act of child abuse as provided in s. 39.01.

212 The decision to arrest does ~~shall~~ not require consent of the  
213 victim or consideration of the relationship of the parties. It  
214 is the public policy of this state to strongly discourage arrest  
215 and charges of both parties for domestic violence or dating  
216 violence on each other and to encourage training of law  
217 enforcement and prosecutors in these areas. A law enforcement  
218 officer who acts in good faith and exercises due care in making  
219 an arrest under this subsection, under s. 741.31(4), ~~or~~ s.  
220 784.047, s. 784.0487, or 39.504, or pursuant to a foreign order

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221 of protection accorded full faith and credit pursuant to s.  
222 741.315, is immune from civil liability that otherwise might  
223 result by reason of his or her action.

224 Section 9. This act shall take effect October 1, 2014.  
225

226 -----

227 **T I T L E A M E N D M E N T**

228 Remove everything before the enacting clause and insert:  
229 An act relating to protective orders; amending ss. 741.30,  
230 784.046, and 784.0485, F.S.; extending the effectiveness of  
231 certain temporary injunctions in domestic violence, repeat  
232 violence, sexual violence, dating violence, or stalking  
233 proceedings in certain circumstances; amending s. 784.047, F.S.;  
234 providing that it is unlawful for a person to violate a final  
235 injunction for protection against repeat, dating, or sexual  
236 violence by having in his or her care, custody, possession, or  
237 control any firearm or ammunition; providing penalties; amending  
238 s. 784.0487, F.S.; providing that it is unlawful for a person to  
239 violate a final injunction for protection against stalking or  
240 cyberstalking by having in his or her care, custody, possession,  
241 or control any firearm or ammunition; providing penalties;  
242 amending s. 790.233, F.S.; conforming provisions to changes made  
243 in the act; amending s. 901.15, F.S.; expanding situations in  
244 which an arrest without a warrant is lawful to include probable  
245 cause of stalking, cyberstalking, or child abuse; providing an  
246 effective date.