



863916

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/20/2014	.	
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The Committee on Criminal Justice (Dean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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



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11 (5)

12 (c) Any such ex parte temporary injunction is ~~shall be~~
13 effective for a fixed period not to exceed 15 days. However, if
14 a final injunction is issued for the same case, the
15 effectiveness of the ex parte temporary injunction extends until
16 the final injunction is served upon the respondent. A full
17 hearing, as provided by this section, shall be set for a date no
18 later than the date when the temporary injunction ceases to be
19 effective. The court may grant a continuance of the hearing
20 before or during a hearing for good cause shown by any party,
21 which must ~~shall~~ include a continuance to obtain service of
22 process. An ~~Any~~ injunction shall be extended, if necessary, so
23 that it remains to remain in full force and effect during any
24 period of continuance.

25 Section 2. Paragraph (c) of subsection (6) of section
26 784.046, Florida Statutes, is amended to read:

27 784.046 Action by victim of repeat violence, sexual
28 violence, or dating violence for protective injunction; dating
29 violence investigations, notice to victims, and reporting;
30 pretrial release violations; public records exemption.—

31 (6)

32 (c) Any such ex parte temporary injunction is ~~shall be~~
33 effective for a fixed period not to exceed 15 days. An ~~However,~~
34 ~~an~~ ex parte temporary injunction granted under subparagraph
35 (2)(c)2. is effective for 15 days following the date the
36 respondent is released from incarceration. However, if a final
37 injunction is issued for the same case, the effectiveness of the
38 ex parte temporary injunction extends until the final injunction
39 is served upon the respondent. A full hearing, as provided by



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40 this section, shall be set for a date no later than the date
41 when the temporary injunction ceases to be effective. The court
42 may grant a continuance ~~of the ex parte injunction and the full~~
43 ~~hearing~~ before or during a hearing, for good cause shown by any
44 party, which must include a continuance to obtain service of
45 process. An injunction shall be extended, if necessary, so that
46 it remains in full force and effect during any period of
47 continuance.

48 Section 3. Paragraph (c) of subsection (5) of section
49 784.0485, Florida Statutes, is amended to read:

50 784.0485 Stalking; injunction; powers and duties of court
51 and clerk; petition; notice and hearing; temporary injunction;
52 issuance of injunction; statewide verification system;
53 enforcement.-

54 (5)

55 (c) Any such ex parte temporary injunction is effective for
56 a fixed period not to exceed 15 days. However, if a final
57 injunction is issued for the same case, the effectiveness of the
58 ex parte temporary injunction extends until the final injunction
59 is served upon the respondent. A full hearing, as provided in
60 this section, shall be set for a date no later than the date
61 when the temporary injunction ceases to be effective. The court
62 may grant a continuance of the hearing before or during a
63 hearing for good cause shown by any party, which must ~~shall~~
64 include a continuance to obtain service of process. An
65 injunction shall be extended, if necessary, so that it remains
66 ~~to remain~~ in full force and effect during any period of
67 continuance.

68 Section 4. Section 784.047, Florida Statutes, is amended to



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69 read:

70 784.047 Penalties for violating protective injunction
71 against violators.—

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

76 (a)~~(1)~~ Refusing to vacate the dwelling that the parties
77 share;

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

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

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

87 (e)~~(5)~~ Telephoning, contacting, or otherwise communicating
88 with the petitioner directly or indirectly, unless the
89 injunction specifically allows indirect contact through a third
90 party;

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

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

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



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98

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

101 (2) A person who violates a final injunction for protection
102 against repeat violence, sexual violence, or dating violence by
103 having in his or her care, custody, possession, or control any
104 firearm or ammunition violates s. 790.233 and commits a
105 misdemeanor of the first degree, punishable as provided in s.
106 775.082 or s. 775.083.

107 Section 5. Paragraph (a) of subsection (4) of section
108 784.0487, Florida Statutes, is amended, and subsection (6) is
109 added to that section, to read:

110 784.0487 Violation of an injunction for protection against
111 stalking or cyberstalking.—

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

116 (a) Going to, or being within 500 feet of, the petitioner's
117 residence, school, or place of employment, or a specified place
118 frequented regularly by the petitioner, ~~and~~ any named family
119 members, or individuals closely associated with the petitioner;

120

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

123 (6) A person who violates a final injunction for protection
124 against stalking or cyberstalking by having in his or her care,
125 custody, possession, or control any firearm or ammunition
126 violates s. 790.233 and commits a misdemeanor of the first



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127 degree, punishable as provided in s. 775.082 or s. 775.083.

128 Section 6. Subsection (1) of section 790.233, Florida
129 Statutes, is amended to read:

130 790.233 Possession of firearm or ammunition prohibited when
131 person is subject to an injunction against committing acts of
132 domestic violence, repeat violence, dating violence, sexual
133 violence, stalking, or cyberstalking; penalties.-

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

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

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

141 (c) Stalking or cyberstalking, as issued under s. 784.0485.

142 Section 7. Subsections (6) and (7) of section 901.15,
143 Florida Statutes, are amended to read:

144 901.15 When arrest by officer without warrant is lawful.—A
145 law enforcement officer may arrest a person without a warrant
146 when:

147 (6) There is probable cause to believe that the person has
148 committed a criminal act according to s. 790.233 or according to
149 s. 39.504, s. 741.31, ~~or~~ s. 784.047, or s. 784.0487 which
150 violates an injunction for protection entered pursuant to s.
151 39.504, s. 741.30, ~~or~~ s. 784.046, or s. 784.0485, or a foreign
152 protection order accorded full faith and credit pursuant to s.
153 741.315, over the objection of the petitioner, if necessary.

154 (7) There is probable cause to believe that the person has
155 committed an act of child abuse as provided in s. 39.01; an act



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156 of domestic violence, as defined in s. 741.28; an act of, or
157 dating violence, repeat violence, or sexual violence as provided
158 in s. 784.046; or an act of stalking or cyberstalking as
159 provided in s. 784.0485. The decision to arrest does ~~shall~~ not
160 require consent of the victim or consideration of the
161 relationship of the parties. It is the public policy of this
162 state to strongly discourage arrest and charges of both parties
163 for domestic violence or dating violence on each other and to
164 encourage training of law enforcement and prosecutors in these
165 areas. A law enforcement officer who acts in good faith and
166 exercises due care in making an arrest under this subsection,
167 under s. 39.504, s. 741.31(4), ~~or s. 784.047,~~ or s. 784.0487, or
168 pursuant to a foreign order of protection accorded full faith
169 and credit pursuant to s. 741.315, is immune from civil
170 liability that otherwise might result by reason of his or her
171 action.

172 Section 8. This act shall take effect October 1, 2014.

173
174 ===== T I T L E A M E N D M E N T =====

175 And the title is amended as follows:

176 Delete everything before the enacting clause
177 and insert:

178 A bill to be entitled

179 An act relating to protective orders; amending ss.
180 741.30, 784.046, and 784.0485, F.S.; extending the
181 effectiveness of certain temporary injunctions in
182 domestic violence, repeat violence, sexual violence,
183 dating violence, or stalking proceedings in certain
184 circumstances; amending ss. 784.047 and 784.0487,



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185 F.S.; providing that it is unlawful for a person to
186 violate a final injunction for protection against
187 repeat violence, dating violence, sexual violence,
188 stalking, or cyberstalking by having in his or her
189 care, custody, possession, or control any firearm or
190 ammunition; providing penalties; amending s. 790.233,
191 F.S.; conforming provisions to changes made by the
192 act; amending s. 901.15, F.S.; expanding situations in
193 which an arrest without a warrant is lawful to include
194 probable cause of repeat violence, sexual violence,
195 stalking, cyberstalking, or child abuse; providing an
196 effective date.