

By Senator Dean

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1                                   A bill to be entitled  
2       An act relating to the protection of crime victims;  
3       creating s. 493.6204, F.S.; requiring a licensed  
4       private investigator and private investigative agency  
5       to determine if an individual being investigated is a  
6       petitioner requesting notification of service of an  
7       injunction for protection against domestic violence,  
8       repeat violence, sexual violence, or dating violence  
9       or is a participant in the Address Confidentiality  
10      Program for Victims of Domestic Violence within the  
11      Office of the Attorney General; prohibiting the  
12      private investigator, the private investigative  
13      agency, and their agents from releasing such  
14      petitioner's or participant's personal identifying  
15      information; providing penalties; amending s. 741.30,  
16      F.S.; revising the effective period of an ex parte  
17      temporary injunction for protection against domestic  
18      violence; amending s. 741.31, F.S.; making technical  
19      changes; amending s. 784.046, F.S.; revising the  
20      effective period of an ex parte temporary injunction  
21      for protection against repeat violence, sexual  
22      violence, or dating violence; amending s. 784.0485,  
23      F.S.; revising the effective period of an ex parte  
24      temporary injunction for protection against stalking;  
25      amending s. 784.0487, F.S.; providing that a person  
26      commits a misdemeanor of the first degree if he or she  
27      violates a final injunction for protection against  
28      stalking or cyberstalking by having in his or her  
29      care, custody, possession, or control any firearm or

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30 ammunition; providing penalties; making technical  
31 changes; amending s. 901.15, F.S.; conforming  
32 provisions to changes made by the act; expanding  
33 situations in which an arrest without a warrant is  
34 lawful to include probable cause for stalking,  
35 cyberstalking, child abuse, or failing to comply with  
36 certain protective injunctions; providing an effective  
37 date.

38  
39 Be It Enacted by the Legislature of the State of Florida:

40  
41 Section 1. Section 493.6204, Florida Statutes, is created  
42 to read:

43 493.6204 Prohibition against releasing information.—If a  
44 private investigator licensed under this chapter or a private  
45 investigative agency licensed under this chapter is hired to  
46 investigate an individual, the private investigator or the  
47 private investigative agency shall determine if the individual  
48 is a petitioner requesting notification of service of an  
49 injunction for protection against domestic violence under s.  
50 741.30(8)(c) or against repeat violence, sexual violence, or  
51 dating violence under s. 784.046(8)(c) or if the individual is a  
52 participant in the Address Confidentiality Program for Victims  
53 of Domestic Violence under s. 741.465. If the individual is such  
54 a petitioner or participant, the private investigator, the  
55 private investigative agency, or their agents may not release to  
56 anyone the individual's name, social security number, home  
57 address, employment address, home telephone number, employment  
58 telephone number, cellular telephone number, or e-mail address

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59 or other electronic means of locating or identifying the  
 60 individual. A violation of this section is a misdemeanor of the  
 61 first degree, punishable as provided in s. 775.082 or s.  
 62 775.083, and the license of such private investigator or private  
 63 investigative agency is subject to suspension or revocation as  
 64 provided in this chapter.

65 Section 2. Paragraph (c) of subsection (5) of section  
 66 741.30, Florida Statutes, is amended to read:

67 741.30 Domestic violence; injunction; powers and duties of  
 68 court and clerk; petition; notice and hearing; temporary  
 69 injunction; issuance of injunction; statewide verification  
 70 system; enforcement; public records exemption.—

71 (5)

72 (c) Any such ex parte temporary injunction is ~~shall be~~  
 73 effective for a fixed period not to exceed 15 days unless a  
 74 final injunction is issued for the same case which extends the  
 75 effectiveness of the ex parte temporary injunction until the  
 76 final injunction is served. A full hearing, as provided by this  
 77 section, shall be set for a date no later than the date when the  
 78 temporary injunction ceases to be effective. The court may grant  
 79 a continuance of the hearing before or during a hearing for good  
 80 cause shown by any party, which must ~~shall~~ include a continuance  
 81 to obtain service of process. An ~~Any~~ injunction shall be  
 82 extended, if necessary, so that it remains ~~to remain~~ in full  
 83 force and effect during any period of continuance.

84 Section 3. Subsection (4) of section 741.31, Florida  
 85 Statutes, is amended to read:

86 741.31 Violation of an injunction for protection against  
 87 domestic violence.—

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88 (4) (a) A person who willfully violates an injunction for  
89 protection against domestic violence issued pursuant to s.  
90 741.30, or a foreign protection order accorded full faith and  
91 credit pursuant to s. 741.315, by:

92 1. Refusing to vacate the dwelling that the parties share;

93 2. Going to, or being within 500 feet of, the petitioner's  
94 residence, school, or place of employment, or a specified place  
95 frequented regularly by the petitioner and any named family or  
96 household member;

97 3. Committing an act of domestic violence against the  
98 petitioner;

99 4. Committing any other violation of the injunction through  
100 an intentional unlawful threat, word, or act to do violence to  
101 the petitioner;

102 5. Telephoning, contacting, or otherwise communicating with  
103 the petitioner directly or indirectly, unless the injunction  
104 specifically allows indirect contact through a third party;

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

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

110 8. Refusing to surrender firearms or ammunition if ordered  
111 to do so by the court,

112  
113 commits a misdemeanor of the first degree, punishable as  
114 provided in s. 775.082 or s. 775.083.

115 (b)1. A person who violates a final injunction for  
116 protection against domestic violence by having in his or her

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117 care, custody, possession, or control any firearm or ammunition  
118 violates ~~It is a violation of s. 790.233,~~ and commits a  
119 misdemeanor of the first degree, punishable as provided in s.  
120 775.082 or s. 775.083, ~~for a person to violate a final~~  
121 ~~injunction for protection against domestic violence by having in~~  
122 ~~his or her care, custody, possession, or control any firearm or~~  
123 ~~ammunition.~~

124 2. It is the intent of the Legislature that the  
125 disabilities regarding possession of firearms and ammunition are  
126 consistent with federal law. Accordingly, this paragraph does  
127 ~~shall~~ not apply to a state or local officer as defined in s.  
128 943.10(14), holding an active certification, who receives or  
129 possesses a firearm or ammunition for use in performing official  
130 duties on behalf of the officer's employing agency, unless  
131 otherwise prohibited by the employing agency.

132 Section 4. Paragraph (c) of subsection (6) of section  
133 784.046, Florida Statutes, is amended to read:

134 784.046 Action by victim of repeat violence, sexual  
135 violence, or dating violence for protective injunction; dating  
136 violence investigations, notice to victims, and reporting;  
137 pretrial release violations; public records exemption.-

138 (6)

139 (c) Any such ex parte temporary injunction is ~~shall be~~  
140 effective for a fixed period not to exceed 15 days unless a  
141 final injunction is issued for the same case which extends the  
142 effectiveness of the temporary injunction until the final  
143 injunction is served. However, an ex parte temporary injunction  
144 granted under subparagraph (2)(c)2. is effective for 15 days  
145 following the date the respondent is released from incarceration

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146 unless a final injunction is issued for the same case which  
147 extends the effectiveness of the ex parte temporary injunction  
148 until the final injunction is served. A full hearing, as  
149 provided by this section, shall be set for a date no later than  
150 the date when the temporary injunction ceases to be effective.  
151 The court may grant a continuance of the ex parte injunction and  
152 the full hearing before or during a hearing, for good cause  
153 shown by any party.

154 Section 5. Paragraph (c) of subsection (5) of section  
155 784.0485, Florida Statutes, is amended to read:

156 784.0485 Stalking; injunction; powers and duties of court  
157 and clerk; petition; notice and hearing; temporary injunction;  
158 issuance of injunction; statewide verification system;  
159 enforcement.-

160 (5)

161 (c) Any such ex parte temporary injunction is effective for  
162 a fixed period not to exceed 15 days unless a final injunction  
163 is issued for the same case which extends the effectiveness of  
164 the ex parte temporary injunction until the final injunction is  
165 served. A full hearing, as provided in this section, shall be  
166 set for a date no later than the date when the temporary  
167 injunction ceases to be effective. The court may grant a  
168 continuance of the hearing before or during a hearing for good  
169 cause shown by any party, which must ~~shall~~ include a continuance  
170 to obtain service of process. An injunction shall be extended,  
171 if necessary, so that it remains ~~to remain~~ in full force and  
172 effect during any period of continuance.

173 Section 6. Subsection (4) of section 784.0487, Florida  
174 Statutes, is amended, and subsection (6) is added to that

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175 section, to read:

176 784.0487 Violation of an injunction for protection against  
177 stalking or cyberstalking.—

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

182 (a) Going to, or being within 500 feet of, the petitioner's  
183 residence, school, or place of employment, or a specified place  
184 frequented regularly by the petitioner and any named family  
185 members or individuals closely associated with the petitioner;

186 (b) Committing an act of stalking against the petitioner;

187 (c) Committing any other violation of the injunction  
188 through an intentional unlawful threat, word, or act to do  
189 violence to the petitioner;

190 (d) Telephoning, contacting, or otherwise communicating  
191 with the petitioner, directly or indirectly, unless the  
192 injunction specifically allows indirect contact through a third  
193 party;

194 (e) Knowingly and intentionally coming within 100 feet of  
195 the petitioner's motor vehicle, whether or not that vehicle is  
196 occupied;

197 (f) Defacing or destroying the petitioner's personal  
198 property, including the petitioner's motor vehicle; or

199 (g) Refusing to surrender firearms or ammunition if ordered  
200 to do so by the court,

201

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

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204       (6) A person who violates a final injunction for protection  
205 against stalking or cyberstalking by having in his or her care,  
206 custody, possession, or control any firearm or ammunition  
207 violates s. 790.233 and commits a misdemeanor of the first  
208 degree, punishable as provided in s. 775.082 or s. 775.083.

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

211       901.15 When arrest by officer without warrant is lawful.—A  
212 law enforcement officer may arrest a person without a warrant  
213 when:

214       (6) There is probable cause to believe that the person has  
215 committed a criminal act according to s. 790.233 or according to  
216 s. 39.504, s. 741.31, ~~or~~ s. 784.047, or s. 784.0487 which  
217 violates an injunction for protection entered pursuant to s.  
218 39.504, s. 741.30, ~~or~~ s. 784.046, or s. 784.0485, or a foreign  
219 protection order accorded full faith and credit pursuant to s.  
220 741.315, over the objection of the petitioner, if necessary.

221       (7) There is probable cause to believe that the person has  
222 committed an act of domestic violence~~;~~ as defined in s. 741.28;~~;~~  
223 ~~or~~ dating violence, repeat violence, or sexual violence as  
224 defined ~~provided~~ in s. 784.046; stalking or cyberstalking as  
225 defined in s. 784.048; or abuse as defined in s. 39.01. The  
226 decision to arrest does ~~shall~~ not require consent of the victim  
227 or consideration of the relationship of the parties. It is the  
228 public policy of this state to strongly discourage arrest and  
229 charges of both parties for domestic violence or dating violence  
230 on each other and to encourage training of law enforcement and  
231 prosecutors in these areas. A law enforcement officer who acts  
232 in good faith and exercises due care in making an arrest under



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233 this subsection, under s. 39.504, s. 741.31(4), ~~or~~ s. 784.047,  
234 or s. 784.0487, or pursuant to a foreign order of protection  
235 accorded full faith and credit pursuant to s. 741.315~~7~~ is immune  
236 from civil liability that otherwise might result by reason of  
237 his or her action.

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