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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2015	.	
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The Committee on Fiscal Policy (Abruzzo) recommended the following:

Senate Amendment (with title amendment)

Between lines 12 and 13

insert:

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

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

(4) (a) A person who willfully violates an injunction for protection against domestic violence issued pursuant to s.



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11 741.30, or a foreign protection order accorded full faith and
12 credit pursuant to s. 741.315, by:

- 13 1. Refusing to vacate the dwelling that the parties share;
- 14 2. Going to, or being within 500 feet of, the petitioner's
15 residence, school, place of employment, or a specified place
16 frequented regularly by the petitioner and any named family or
17 household member;
- 18 3. Committing an act of domestic violence against the
19 petitioner;
- 20 4. Committing any other violation of the injunction through
21 an intentional unlawful threat, word, or act to do violence to
22 the petitioner;
- 23 5. Telephoning, contacting, or otherwise communicating with
24 the petitioner directly or indirectly, unless the injunction
25 specifically allows indirect contact through a third party;
- 26 6. Knowingly and intentionally coming within 100 feet of
27 the petitioner's motor vehicle, whether or not that vehicle is
28 occupied;
- 29 7. Defacing or destroying the petitioner's personal
30 property, including the petitioner's motor vehicle; or
- 31 8. Refusing to surrender firearms or ammunition if ordered
32 to do so by the court

33
34 commits a misdemeanor of the first degree, punishable as
35 provided in s. 775.082 or s. 775.083, except as provided in
36 paragraph (c).

37 (b)1. It is a violation of s. 790.233, and a misdemeanor of
38 the first degree, punishable as provided in s. 775.082 or s.
39 775.083, for a person to violate a final injunction for



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40 protection against domestic violence by having in his or her
41 care, custody, possession, or control any firearm or ammunition.

42 2. It is the intent of the Legislature that the
43 disabilities regarding possession of firearms and ammunition are
44 consistent with federal law. Accordingly, this paragraph shall
45 not apply to a state or local officer as defined in s.
46 943.10(14), holding an active certification, who receives or
47 possesses a firearm or ammunition for use in performing official
48 duties on behalf of the officer's employing agency, unless
49 otherwise prohibited by the employing agency.

50 (c) A person who has two or more prior convictions for
51 violation of an injunction and who commits any third or
52 subsequent violation commits a felony of the third degree,
53 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
54 For purposes of this paragraph, the term "conviction" means a
55 determination of guilt that is the result of a plea or a trial,
56 regardless of whether adjudication is withheld or a plea of nolo
57 contendere is entered.

58 Section 3. Section 784.047, Florida Statutes, is amended to
59 read:

60 784.047 Penalties for violating protective injunction
61 against violators.-

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

66 (a) ~~(1)~~ Refusing to vacate the dwelling that the parties
67 share;

68 (b) ~~(2)~~ Going to, or being within 500 feet of, the



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69 petitioner's residence, school, place of employment, or a
70 specified place frequented regularly by the petitioner and any
71 named family or household member;

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

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

77 (e)~~(5)~~ Telephoning, contacting, or otherwise communicating
78 with the petitioner directly or indirectly, unless the
79 injunction specifically allows indirect contact through a third
80 party;

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

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

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

88
89 commits a misdemeanor of the first degree, punishable as
90 provided in s. 775.082 or s. 775.083, except as provided in
91 subsection (2).

92 (2) A person who has two or more prior convictions for
93 violation of an injunction and who commits any third or
94 subsequent violation commits a felony of the third degree,
95 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
96 For purposes of this subsection, the term "conviction" means a
97 determination of guilt that is the result of a plea or a trial,



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98 regardless of whether adjudication is withheld or a plea of nolo
99 contendere is entered.

100 Section 4. Subsection (4) of section 784.0487, Florida
101 Statutes, is amended to read:

102 784.0487 Violation of an injunction for protection against
103 stalking or cyberstalking.—

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

108 1.-(a) Going to, or being within 500 feet of, the
109 petitioner's residence, school, place of employment, or a
110 specified place frequented regularly by the petitioner and any
111 named family members or individuals closely associated with the
112 petitioner;

113 2.-(b) Committing an act of stalking against the petitioner;

114 3.-(c) Committing any other violation of the injunction
115 through an intentional unlawful threat, word, or act to do
116 violence to the petitioner;

117 4.-(d) Telephoning, contacting, or otherwise communicating
118 with the petitioner, directly or indirectly, unless the
119 injunction specifically allows indirect contact through a third
120 party;

121 5.-(e) Knowingly and intentionally coming within 100 feet of
122 the petitioner's motor vehicle, whether or not that vehicle is
123 occupied;

124 6.-(f) Defacing or destroying the petitioner's personal
125 property, including the petitioner's motor vehicle; or

126 7.-(g) Refusing to surrender firearms or ammunition if



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127 ordered to do so by the court,
128
129 commits a misdemeanor of the first degree, punishable as
130 provided in s. 775.082 or s. 775.083, except as provided in
131 paragraph (b).

132 (b) A person who has two or more prior convictions for
133 violation of an injunction and who commits any third or
134 subsequent violation commits a felony of the third degree,
135 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
136 For purposes of this paragraph, the term "conviction" means a
137 determination of guilt that is the result of a plea or a trial,
138 regardless of whether adjudication is withheld or a plea of nolo
139 contendere is entered.

140
141 ===== T I T L E A M E N D M E N T =====

142 And the title is amended as follows:

143 Delete lines 2 - 3

144 and insert:

145 An act relating to criminal justice; providing a short
146 title; amending ss. 741.31, 784.047, and 784.0487,
147 F.S.; providing enhanced criminal penalties for a
148 third or subsequent violation of an injunction for
149 protection against specified acts of violence or a
150 foreign protection order issued under specified
151 provisions; amending s. 775.15, F.S.; revising time