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LEGISLATIVE ACTION

Senate

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House

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Senator Soto moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "43 Days Initiative Act."

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



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12 protection against domestic violence issued pursuant to s.  
13 741.30, or a foreign protection order accorded full faith and  
14 credit pursuant to s. 741.315, by:

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

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

39 (b)1. It is a violation of s. 790.233, and a misdemeanor of  
40 the first degree, punishable as provided in s. 775.082 or s.



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41 775.083, for a person to violate a final injunction for  
42 protection against domestic violence by having in his or her  
43 care, custody, possession, or control any firearm or ammunition.

44 2. It is the intent of the Legislature that the  
45 disabilities regarding possession of firearms and ammunition are  
46 consistent with federal law. Accordingly, this paragraph shall  
47 not apply to a state or local officer as defined in s.

48 943.10(14), holding an active certification, who receives or  
49 possesses a firearm or ammunition for use in performing official  
50 duties on behalf of the officer's employing agency, unless  
51 otherwise prohibited by the employing agency.

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

60 Section 3. Section 784.047, Florida Statutes, is amended to  
61 read:

62 784.047 Penalties for violating protective injunction  
63 against violators.-

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

68 (a) ~~(1)~~ Refusing to vacate the dwelling that the parties  
69 share;



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

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

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

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

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

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

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

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

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



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99 determination of guilt that is the result of a plea or a trial,  
100 regardless of whether adjudication is withheld or a plea of nolo  
101 contendere is entered.

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

104 784.0487 Violation of an injunction for protection against  
105 stalking or cyberstalking.-

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

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

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

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

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

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

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



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128        7.-(g) Refusing to surrender firearms or ammunition if  
129 ordered to do so by the court,  
130  
131 commits a misdemeanor of the first degree, punishable as  
132 provided in s. 775.082 or s. 775.083, except as provided in  
133 paragraph (b).

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

142        Section 5. Paragraph (b) of subsection (13) of section  
143 775.15, Florida Statutes, is republished, and subsection (14) of  
144 that section is amended, to read:

145        775.15 Time limitations; general time limitations;  
146 exceptions.-

147        (13)

148        (b) If the offense is a first degree felony violation of s.  
149 794.011 and the victim was under 18 years of age at the time the  
150 offense was committed, a prosecution of the offense may be  
151 commenced at any time. This paragraph applies to any such  
152 offense except an offense the prosecution of which would have  
153 been barred by subsection (2) on or before October 1, 2003.

154        (14) (a) A prosecution for a first or second degree felony  
155 violation of s. 794.011, if the victim is 16 ~~18~~ years of age or  
156 older at the time of the offense and the offense is reported to



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157 a law enforcement agency within 72 hours after commission of the  
158 offense, may be commenced at any time. ~~If the offense is not~~  
159 ~~reported within 72 hours after the commission of the offense,~~  
160 ~~the prosecution must be commenced within the time periods~~  
161 ~~prescribed in subsection (2).~~

162 (b) Except as provided in paragraph (a) or paragraph  
163 (13) (b), a prosecution for a first or second degree felony  
164 violation of s. 794.011, if the victim is 16 years of age or  
165 older at the time of the offense, must be commenced within 6  
166 years after the violation is committed. This paragraph applies  
167 to any such offense except an offense the prosecution of which  
168 would have been barred by subsection (2) on or before July 1,  
169 2015.

170 Section 6. Subsections (3) and (5) of section 847.0141,  
171 Florida Statutes, are amended, and subsection (6) is added to  
172 that section, to read:

173 847.0141 Sexting; prohibited acts; penalties.—

174 (3) A minor who violates subsection (1):

175 (a) ~~Commits a noncriminal violation for a first violation,~~  
176 ~~punishable by 8 hours of community service or, if ordered by the~~  
177 ~~court in lieu of community service, a \$60 fine. The court may~~  
178 ~~also order the minor to participate in suitable training or~~  
179 ~~instruction in lieu of, or in addition to, community service or~~  
180 ~~a fine. The minor must sign and accept a citation indicating a~~  
181 ~~promise to appear before the juvenile court. In lieu of~~  
182 ~~appearing in court, the minor may complete 8 hours of community~~  
183 ~~service work, pay a \$60 civil penalty, or participate in a~~  
184 ~~cyber-safety program if such a program is locally available. The~~  
185 ~~minor must satisfy any penalty within 30 days after receipt of~~



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186 the citation.

187 1. A citation issued to a minor under this subsection must  
188 be in a form prescribed by the issuing law enforcement agency,  
189 must be signed by the minor, and must contain all of the  
190 following:

191 a. The date and time of issuance.

192 b. The name and address of the minor to whom the citation  
193 is issued.

194 c. A thumbprint of the minor to whom the citation is  
195 issued.

196 d. Identification of the noncriminal violation and the time  
197 it was committed.

198 e. The facts constituting reasonable cause.

199 f. The specific section of law violated.

200 g. The name and authority of the citing officer.

201 h. The procedures that the minor must follow to contest the  
202 citation, perform the required community service, pay the civil  
203 penalty, and participate in a cyber-safety program.

204 2. If the citation is contested and the court determines  
205 that the minor committed a noncriminal violation under this  
206 section, the court may order the minor to perform 8 hours of  
207 community service, pay a \$60 civil penalty, or participate in a  
208 cyber-safety program, or any combination thereof.

209 3. A minor who fails to comply with the citation waives his  
210 or her right to contest it, and the court may impose any of the  
211 penalties identified in subparagraph 2. or issue an order to  
212 show cause. Upon a finding of contempt, the court may impose  
213 additional age-appropriate penalties, which may include issuance  
214 of an order to the Department of Highway Safety and Motor





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215 Vehicles to withhold issuance of, or suspend the driver license  
216 or driving privilege of, the minor for 30 consecutive days.  
217 However, the court may not impose incarceration.

218 (b) Commits a misdemeanor of the first degree for a  
219 violation that occurs after the minor has been ~~being~~ found to  
220 have committed a noncriminal violation for sexting or has  
221 satisfied the penalty imposed in lieu of a court appearance as  
222 provided in paragraph (a), punishable as provided in s. 775.082  
223 or s. 775.083, unless a law enforcement officer elects to issue  
224 a civil citation as provided in paragraph (3) (a).

225 (c) Commits a felony of the third degree for a violation  
226 that occurs after the minor has been ~~being~~ found to have  
227 committed a misdemeanor of the first degree for sexting,  
228 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

229 (5) As used in this section, the term "found to have  
230 committed" means a determination of guilt that is the result of  
231 a plea or trial, or a finding of delinquency that is the result  
232 of a plea or an adjudicatory hearing, regardless of whether  
233 adjudication is withheld.

234 (6) Eighty percent of all civil penalties received by a  
235 juvenile court pursuant to this section shall be remitted by the  
236 clerk of the court to the county commission to provide training  
237 on cyber-safety for minors. The remaining 20 percent shall  
238 remain with the clerk of the court to defray administrative  
239 costs.

240 Section 7. Subsection (1) of section 948.11, Florida  
241 Statutes, is amended to read:

242 948.11 Electronic monitoring devices.-

243 (1) The Department of Corrections or a local law



244 enforcement agency may, at its discretion, electronically  
245 monitor an offender sentenced to community control or ordered to  
246 comply with house arrest who is wearing electronic monitoring  
247 equipment as a condition of bond or pretrial release or who is  
248 otherwise wearing electronic monitoring equipment pursuant to a  
249 court order for a protective injunction issued for domestic  
250 violence as defined in s. 741.30; repeat violence, sexual  
251 violence, or dating violence, as defined in s. 784.046; or a  
252 stalking injunction as defined in s. 784.048.

253 Section 8. Subsection (1) of section 985.0301, Florida  
254 Statutes, is amended to read:

255 985.0301 Jurisdiction.—

256 (1) The circuit court has exclusive original jurisdiction  
257 of proceedings in which a child is alleged to have committed:

258 (a) to have committed A delinquent act or violation of law.

259 (b) A noncriminal violation that has been assigned to  
260 juvenile court by law.

261 Section 9. This act shall take effect July 1, 2015.

262  
263 ===== T I T L E A M E N D M E N T =====

264 And the title is amended as follows:

265 Delete everything before the enacting clause  
266 and insert:

267 A bill to be entitled  
268 An act relating to criminal justice; providing a short  
269 title; amending ss. 741.31, 784.047, and 784.0487,  
270 F.S.; providing enhanced criminal penalties for a  
271 third or subsequent violation of an injunction for  
272 protection against specified acts of violence or a



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273 foreign protection order issued under specified  
274 provisions; amending s. 775.15, F.S.; revising time  
275 limitations for the criminal prosecution of specified  
276 sexual battery offenses if the victim is 16 years of  
277 age or older; providing applicability; amending s.  
278 847.0141, F.S.; removing the court's discretion to  
279 impose a specified penalty for a first violation of  
280 sexting; requiring a minor cited for a first violation  
281 to sign and accept a citation to appear before  
282 juvenile court or, in lieu of appearing in court, to  
283 complete community service work, pay a civil penalty,  
284 or participate in a cyber-safety program within a  
285 certain period of time, if such program is locally  
286 available; requiring the citation to be in a form  
287 prescribed by the issuing law enforcement agency;  
288 requiring such citation to include certain  
289 information; authorizing a court to order certain  
290 penalties under certain circumstances; authorizing a  
291 court to order specified additional penalties in  
292 certain circumstances; authorizing a law enforcement  
293 officer to issue a civil citation in lieu of criminal  
294 penalties; prohibiting the court from imposing  
295 incarceration; conforming provisions to changes made  
296 by the act; requiring that a specified percentage of  
297 civil penalties received by a juvenile court be  
298 remitted by the clerk of court to the county  
299 commission to provide cyber-safety training for  
300 minors; requiring that the remaining percentage remain  
301 with the clerk of the court to cover administrative



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302 costs; amending s. 948.11, F.S.; authorizing the  
303 Department of Corrections or a local law enforcement  
304 agency to electronically monitor an offender under  
305 specified circumstances; amending s. 985.0301, F.S.;  
306 creating exclusive original jurisdiction in the  
307 circuit court when a child is alleged to have  
308 committed a noncriminal violation that is assigned to  
309 juvenile court; providing an effective date.