

By the Committee on Judiciary; and Senator Simmons

590-01676-15

2015342c1

1 A bill to be entitled
2 An act relating to no contact orders; amending s.
3 903.047, F.S.; providing for the effect and
4 enforceability of orders of no contact as a part of
5 pretrial release; specifying acts prohibited by a no
6 contact order; reenacting ss. 741.29(6), 784.046(13)
7 and (15), and 901.15(13), F.S., relating to domestic
8 violence, repeat, sexual, or dating violence, and
9 arrest without a warrant, respectively, to incorporate
10 the amendments made to s. 903.047, F.S., in references
11 thereto; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 903.047, Florida Statutes, is amended to
16 read:

17 903.047 Conditions of pretrial release.—

18 (1) As a condition of pretrial release, whether such
19 release is by surety bail bond or recognizance bond or in some
20 other form, the defendant must ~~shall~~:

21 (a) Refrain from criminal activity of any kind.

22 (b) Refrain from any contact of any type with the victim,
23 except through pretrial discovery pursuant to the Florida Rules
24 of Criminal Procedure. An order of no contact is effective
25 immediately and enforceable for the duration of the pretrial
26 release or until it is modified by the court. As used in this
27 section, unless otherwise specified by the court, the term "no
28 contact" includes the following prohibited acts:

29 1. Communicating orally or in any written form, either in

590-01676-15

2015342c1

30 person, telephonically, electronically, or in any other manner,
31 either directly or indirectly through a third person, with the
32 victim or any other person named in the order. However, this
33 subparagraph does not prohibit an attorney for the defendant,
34 consistent with rules regulating The Florida Bar, from
35 communicating with any person protected by the no contact order
36 for lawful purposes.

37 2. Having physical or violent contact with the victim or
38 other named person or his or her property.

39 3. Being within 500 feet of the victim's or other named
40 person's residence, even if the defendant and the victim or
41 other named person share the residence.

42 4. Being within 500 feet of the victim's or other named
43 person's vehicle, place of employment, or a specified place
44 frequented regularly by such person.

45 (c) Comply with all conditions of pretrial release.

46 (2) Upon motion by the defendant when bail is set, or upon
47 later motion properly noticed pursuant to law, the court may
48 modify the condition required by paragraph (1)(b) if good cause
49 is shown and the interests of justice so require. The victim
50 shall be permitted to be heard at any proceeding in which such
51 modification is considered, and the state attorney shall notify
52 the victim of the provisions of this subsection and of the
53 pendency of any such proceeding.

54 Section 2. For the purpose of incorporating the amendment
55 made by this act to section 903.047, Florida Statutes, in a
56 reference thereto, subsection (6) of section 741.29, Florida
57 Statutes, is reenacted to read:

58 741.29 Domestic violence; investigation of incidents;

590-01676-15

2015342c1

59 notice to victims of legal rights and remedies; reporting.-

60 (6) A person who willfully violates a condition of pretrial
61 release provided in s. 903.047, when the original arrest was for
62 an act of domestic violence as defined in s. 741.28, commits a
63 misdemeanor of the first degree, punishable as provided in s.
64 775.082 or s. 775.083, and shall be held in custody until his or
65 her first appearance.

66 Section 3. For the purpose of incorporating the amendment
67 made by this act to section 903.047, Florida Statutes, in a
68 reference thereto, subsections (13) and (15) of section 784.046,
69 Florida Statutes, are reenacted to read:

70 784.046 Action by victim of repeat violence, sexual
71 violence, or dating violence for protective injunction; dating
72 violence investigations, notice to victims, and reporting;
73 pretrial release violations; public records exemption.-

74 (13) Whenever a law enforcement officer determines upon
75 probable cause that an act of dating violence has been committed
76 within the jurisdiction, or that a person has violated a
77 condition of pretrial release as provided in s. 903.047 and the
78 original arrest was for an act of dating violence, the officer
79 may arrest the person or persons suspected of its commission and
80 charge such person or persons with the appropriate crime. The
81 decision to arrest and charge shall not require consent of the
82 victim or consideration of the relationship of the parties.

83 (15) A person who willfully violates a condition of
84 pretrial release provided in s. 903.047, when the original
85 arrest was for an act of dating violence as defined in this
86 section, commits a misdemeanor of the first degree, punishable
87 as provided in s. 775.082 or s. 775.083, and shall be held in

590-01676-15

2015342c1

88 custody until his or her first appearance.

89 Section 4. For the purpose of incorporating the amendment
90 made by this act to section 903.047, Florida Statutes, in a
91 reference thereto, subsection (13) of section 901.15, Florida
92 Statutes, is reenacted to read:

93 901.15 When arrest by officer without warrant is lawful.—A
94 law enforcement officer may arrest a person without a warrant
95 when:

96 (13) There is probable cause to believe that the person has
97 committed an act that violates a condition of pretrial release
98 provided in s. 903.047 when the original arrest was for an act
99 of domestic violence as defined in s. 741.28, or when the
100 original arrest was for an act of dating violence as defined in
101 s. 784.046.

102 Section 5. This act shall take effect October 1, 2015.