

By the Committees on Criminal Justice; and Judiciary; and
Senator Simmons

591-02094-15

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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; requiring that the defendant receive
6 a copy of the order of no contact prior to release;
7 specifying acts prohibited by a no contact order;
8 reenacting ss. 741.29(6), 784.046(13) and (15), and
9 901.15(13), F.S., relating to domestic violence,
10 repeat, sexual, or dating violence, and arrest without
11 a warrant, respectively, to incorporate the amendment
12 made to s. 903.047, F.S., in references thereto;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 903.047, Florida Statutes, is amended to
18 read:

19 903.047 Conditions of pretrial release.—

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

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

24 (b) Refrain from any contact of any type with the victim,
25 except through pretrial discovery pursuant to the Florida Rules
26 of Criminal Procedure. An order of no contact is effective
27 immediately and enforceable for the duration of the pretrial
28 release or until it is modified by the court. The defendant
29 shall receive a copy of the order of no contact which specifies

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30 the applicable prohibited acts before the defendant is released
31 from custody on pretrial release. As used in this section,
32 unless otherwise specified by the court, the term "no contact"
33 includes the following prohibited acts:

34 1. Communicating orally or in any written form, either in
35 person, telephonically, electronically, or in any other manner,
36 either directly or indirectly through a third person, with the
37 victim or any other person named in the order. However, this
38 subparagraph does not prohibit an attorney for the defendant,
39 consistent with rules regulating The Florida Bar, from
40 communicating with any person protected by the no contact order
41 for lawful purposes.

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

44 3. Being within 500 feet of the victim's or other named
45 person's residence, even if the defendant and the victim or
46 other named person share the residence.

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

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

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

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

63 741.29 Domestic violence; investigation of incidents;
64 notice to victims of legal rights and remedies; reporting.—

65 (6) A person who willfully violates a condition of pretrial
66 release provided in s. 903.047, when the original arrest was for
67 an act of domestic violence as defined in s. 741.28, commits a
68 misdemeanor of the first degree, punishable as provided in s.
69 775.082 or s. 775.083, and shall be held in custody until his or
70 her first appearance.

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

75 784.046 Action by victim of repeat violence, sexual
76 violence, or dating violence for protective injunction; dating
77 violence investigations, notice to victims, and reporting;
78 pretrial release violations; public records exemption.—

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

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88 (15) A person who willfully violates a condition of
89 pretrial release provided in s. 903.047, when the original
90 arrest was for an act of dating violence as defined in this
91 section, commits a misdemeanor of the first degree, punishable
92 as provided in s. 775.082 or s. 775.083, and shall be held in
93 custody until his or her first appearance.

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

98 901.15 When arrest by officer without warrant is lawful.—A
99 law enforcement officer may arrest a person without a warrant
100 when:

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

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