

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

595-02570-15

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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. If the victim and
38 the defendant have children in common, at the request of the
39 defendant, the court may designate an appropriate third person
40 to contact the victim for the sole purpose of facilitating the
41 defendant's contact with the children. However, this
42 subparagraph does not prohibit an attorney for the defendant,
43 consistent with rules regulating The Florida Bar, from
44 communicating with any person protected by the no contact order
45 for lawful purposes.

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

48 3. Being within 500 feet of the victim's or other named
49 person's residence, even if the defendant and the victim or
50 other named person share the residence.

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

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

55 (2) Upon motion by the defendant when bail is set, or upon
56 later motion properly noticed pursuant to law, the court may
57 modify the condition required by paragraph (1)(b) if good cause
58 is shown and the interests of justice so require. The victim

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59 shall be permitted to be heard at any proceeding in which such
60 modification is considered, and the state attorney shall notify
61 the victim of the provisions of this subsection and of the
62 pendency of any such proceeding.

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

67 741.29 Domestic violence; investigation of incidents;
68 notice to victims of legal rights and remedies; reporting.—

69 (6) A person who willfully violates a condition of pretrial
70 release provided in s. 903.047, when the original arrest was for
71 an act of domestic violence as defined in s. 741.28, commits a
72 misdemeanor of the first degree, punishable as provided in s.
73 775.082 or s. 775.083, and shall be held in custody until his or
74 her first appearance.

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

79 784.046 Action by victim of repeat violence, sexual
80 violence, or dating violence for protective injunction; dating
81 violence investigations, notice to victims, and reporting;
82 pretrial release violations; public records exemption.—

83 (13) Whenever a law enforcement officer determines upon
84 probable cause that an act of dating violence has been committed
85 within the jurisdiction, or that a person has violated a
86 condition of pretrial release as provided in s. 903.047 and the
87 original arrest was for an act of dating violence, the officer

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88 may arrest the person or persons suspected of its commission and
89 charge such person or persons with the appropriate crime. The
90 decision to arrest and charge shall not require consent of the
91 victim or consideration of the relationship of the parties.

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

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

102 901.15 When arrest by officer without warrant is lawful.—A
103 law enforcement officer may arrest a person without a warrant
104 when:

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

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