

1 A bill to be entitled
 2 An act relating to violation of an injunction for
 3 protection against domestic violence; amending s.
 4 741.31, F.S.; providing enhanced criminal penalties
 5 for a third or subsequent violation of an injunction
 6 for protection against domestic violence or a foreign
 7 protection order issued under specified provisions;
 8 providing an effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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 12 Section 1. Subsection (4) of section 741.31, Florida
 13 Statutes, is amended to read:

14 741.31 Violation of an injunction for protection against
 15 domestic violence.—

16 (4) (a) A person who willfully violates an injunction for
 17 protection against domestic violence issued pursuant to s.
 18 741.30, or a foreign protection order accorded full faith and
 19 credit pursuant to s. 741.315, by:

- 20 1. Refusing to vacate the dwelling that the parties share;
- 21 2. Going to, or being within 500 feet of, the petitioner's
- 22 residence, school, place of employment, or a specified place
- 23 frequented regularly by the petitioner and any named family or
- 24 household member;
- 25 3. Committing an act of domestic violence against the
- 26 petitioner;

27 4. Committing any other violation of the injunction
28 through an intentional unlawful threat, word, or act to do
29 violence to the petitioner;

30 5. Telephoning, contacting, or otherwise communicating
31 with the petitioner directly or indirectly, unless the
32 injunction specifically allows indirect contact through a third
33 party;

34 6. Knowingly and intentionally coming within 100 feet of
35 the petitioner's motor vehicle, whether or not that vehicle is
36 occupied;

37 7. Defacing or destroying the petitioner's personal
38 property, including the petitioner's motor vehicle; or

39 8. Refusing to surrender firearms or ammunition if ordered
40 to do so by the court

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42 commits a misdemeanor of the first degree, punishable as
43 provided in s. 775.082 or s. 775.083, except as provided in
44 paragraph (c).

45 (b)1. It is a violation of s. 790.233, and a misdemeanor
46 of the first degree, punishable as provided in s. 775.082 or s.
47 775.083, for a person to violate a final injunction for
48 protection against domestic violence by having in his or her
49 care, custody, possession, or control any firearm or ammunition.

50 2. It is the intent of the Legislature that the
51 disabilities regarding possession of firearms and ammunition are
52 consistent with federal law. Accordingly, this paragraph shall

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53 not apply to a state or local officer as defined in s.
54 943.10(14), holding an active certification, who receives or
55 possesses a firearm or ammunition for use in performing official
56 duties on behalf of the officer's employing agency, unless
57 otherwise prohibited by the employing agency.

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

66 Section 2. This act shall take effect October 1, 2015.