

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 before 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 by the act to s. 903.047, F.S., in references
 13 thereto; providing an effective date.

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

16
 17 Section 1. Section 903.047, Florida Statutes, is amended
 18 to 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
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 a child in common, the court may, at the
39 request of the defendant, designate an appropriate third person
40 to contact the victim for the sole purpose of facilitating the
41 defendant's contact with the child. However, this subparagraph
42 does not prohibit an attorney for the defendant, consistent with
43 rules regulating The Florida Bar, from communicating with any
44 person protected by the no-contact order for lawful purposes.

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

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

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

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

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

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

66 741.29 Domestic violence; investigation of incidents;
67 notice to victims of legal rights and remedies; reporting.—

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

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

78 784.046 Action by victim of repeat violence, sexual

79 | violence, or dating violence for protective injunction; dating
80 | violence investigations, notice to victims, and reporting;
81 | pretrial release violations; public records exemption.—

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

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

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

101 | 901.15 When arrest by officer without warrant is lawful.—A
102 | law enforcement officer may arrest a person without a warrant
103 | when:

104 | (13) There is probable cause to believe that the person

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105 | has committed an act that violates a condition of pretrial
106 | release provided in s. 903.047 when the original arrest was for
107 | an act of domestic violence as defined in s. 741.28, or when the
108 | original arrest was for an act of dating violence as defined in
109 | s. 784.046.

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