

1                                   A bill to be entitled  
 2           An act relating to violation of an injunction for  
 3           protection; amending ss. 741.31, 784.047, and  
 4           784.0487, F.S.; providing enhanced criminal penalties  
 5           for a third or subsequent violation of an injunction  
 6           for protection against specified acts of violence or a  
 7           foreign protection order issued under specified  
 8           provisions; providing an effective date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

11  
 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

41  
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

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. Section 784.047, Florida Statutes, is amended  
67 to read:

68 784.047 Penalties for violating protective injunction  
69 against violators.—

70 (1) A person who willfully violates an injunction for  
71 protection against repeat violence, sexual violence, or dating  
72 violence, issued pursuant to s. 784.046, or a foreign protection  
73 order accorded full faith and credit pursuant to s. 741.315 by:

74 (a)~~(1)~~ Refusing to vacate the dwelling that the parties  
75 share;

76 (b)~~(2)~~ Going to, or being within 500 feet of, the  
77 petitioner's residence, school, place of employment, or a  
78 specified place frequented regularly by the petitioner and any

79 | named family or household member;

80 |       ~~(c)(3)~~ Committing an act of repeat violence, sexual  
81 | violence, or dating violence against the petitioner;

82 |       ~~(d)(4)~~ Committing any other violation of the injunction  
83 | through an intentional unlawful threat, word, or act to do  
84 | violence to the petitioner;

85 |       ~~(e)(5)~~ Telephoning, contacting, or otherwise communicating  
86 | with the petitioner directly or indirectly, unless the  
87 | injunction specifically allows indirect contact through a third  
88 | party;

89 |       ~~(f)(6)~~ Knowingly and intentionally coming within 100 feet  
90 | of the petitioner's motor vehicle, whether or not that vehicle  
91 | is occupied;

92 |       ~~(g)(7)~~ Defacing or destroying the petitioner's personal  
93 | property, including the petitioner's motor vehicle; or

94 |       ~~(h)(8)~~ Refusing to surrender firearms or ammunition if  
95 | ordered to do so by the court,

96 |  
97 | commits a misdemeanor of the first degree, punishable as  
98 | provided in s. 775.082 or s. 775.083, except as provided in  
99 | subsection (2).

100 |       (2) A person who has two or more prior convictions for  
101 | violation of an injunction and who commits any third or  
102 | subsequent violation commits a felony of the third degree,  
103 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
104 | For purposes of this subsection, the term "conviction" means a

105 determination of guilt that is the result of a plea or a trial,  
 106 regardless of whether adjudication is withheld or a plea of nolo  
 107 contendere is entered.

108 Section 3. Subsection (4) of section 784.0487, Florida  
 109 Statutes, is amended to read:

110 784.0487 Violation of an injunction for protection against  
 111 stalking or cyberstalking.—

112 (4) (a) A person who willfully violates an injunction for  
 113 protection against stalking or cyberstalking issued pursuant to  
 114 s. 784.0485, or a foreign protection order accorded full faith  
 115 and credit pursuant to s. 741.315, by:

116 1.(a) Going to, or being within 500 feet of, the  
 117 petitioner's residence, school, place of employment, or a  
 118 specified place frequented regularly by the petitioner and any  
 119 named family members or individuals closely associated with the  
 120 petitioner;

121 2.(b) Committing an act of stalking against the  
 122 petitioner;

123 3.(e) Committing any other violation of the injunction  
 124 through an intentional unlawful threat, word, or act to do  
 125 violence to the petitioner;

126 4.(d) Telephoning, contacting, or otherwise communicating  
 127 with the petitioner, directly or indirectly, unless the  
 128 injunction specifically allows indirect contact through a third  
 129 party;

130 5.(e) Knowingly and intentionally coming within 100 feet

HB 101

2016

131 of the petitioner's motor vehicle, whether or not that vehicle  
132 is occupied;

133 ~~6.(f)~~ Defacing or destroying the petitioner's personal  
134 property, including the petitioner's motor vehicle; or

135 ~~7.(g)~~ Refusing to surrender firearms or ammunition if  
136 ordered to do so by the court,

137

138 commits a misdemeanor of the first degree, punishable as  
139 provided in s. 775.082 or s. 775.083, except as provided in  
140 paragraph (b).

141 (b) A person who has two or more prior convictions for  
142 violation of an injunction and who commits any third or  
143 subsequent violation commits a felony of the third degree,  
144 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
145 For purposes of this paragraph, the term "conviction" means a  
146 determination of guilt that is the result of a plea or a trial,  
147 regardless of whether adjudication is withheld or a plea of nolo  
148 contendere is entered.

149 Section 4. This act shall take effect October 1, 2016.