

By Senator Simmons

10-01560-16

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1                   A bill to be entitled  
2           An act relating to conditions of pretrial release;  
3           amending s. 903.047, F.S.; requiring that a defendant  
4           be notified in writing if a court issues an order of  
5           no contact rather than receive a copy of the order;  
6           providing an effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:  
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10           Section 1. Subsection (1) of section 903.047, Florida  
11 Statutes, is amended to read:

12           903.047 Conditions of pretrial release.—

13           (1) As a condition of pretrial release, whether such  
14 release is by surety bail bond or recognizance bond or in some  
15 other form, the defendant must:

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

17           (b) Refrain from any contact of any type with the victim,  
18 except through pretrial discovery pursuant to the Florida Rules  
19 of Criminal Procedure. If a court issues an order of no contact,  
20 the order is effective immediately and enforceable for the  
21 duration of the pretrial release or until it is modified by the  
22 court. The defendant shall be notified in writing before he or  
23 she is released from custody on pretrial release ~~receive a copy~~  
24 ~~of the order of no contact,~~ which notification must specify  
25 ~~specifies~~ the applicable prohibited acts ~~before the defendant is~~  
26 ~~released from custody on pretrial release.~~ As used in this  
27 section, unless otherwise specified by the court, the term "no  
28 contact" includes the following prohibited acts:

29           1. Communicating orally or in any written form, either in  
30 person, telephonically, electronically, or in any other manner,  
31 either directly or indirectly through a third person, with the  
32 victim or any other person named in the order. If the victim and

10-01560-16

20161412\_\_

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

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

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

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

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

50 Section 2. This act shall take effect July 1, 2016.