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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
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Appropriations Subcommittee on Criminal and Civil Justice
(Joyner) recommended the following:

Senate Amendment (with title amendment)

Between lines 146 and 147

insert:

Section 4. For the purpose of incorporating the amendment made by this act to section 741.31, Florida Statutes, in a reference thereto, subsection (9) of section 741.30, Florida Statutes, is reenacted to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary



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11 injunction; issuance of injunction; statewide verification
12 system; enforcement; public records exemption.—

13 (9) (a) The court may enforce a violation of an injunction
14 for protection against domestic violence through a civil or
15 criminal contempt proceeding, or the state attorney may
16 prosecute it as a criminal violation under s. 741.31. The court
17 may enforce the respondent's compliance with the injunction
18 through any appropriate civil and criminal remedies, including,
19 but not limited to, a monetary assessment or a fine. The clerk
20 of the court shall collect and receive such assessments or
21 fines. On a monthly basis, the clerk shall transfer the moneys
22 collected pursuant to this paragraph to the State Treasury for
23 deposit in the Domestic Violence Trust Fund established in s.
24 741.01.

25 (b) If the respondent is arrested by a law enforcement
26 officer under s. 901.15(6) or for a violation of s. 741.31, the
27 respondent shall be held in custody until brought before the
28 court as expeditiously as possible for the purpose of enforcing
29 the injunction and for admittance to bail in accordance with
30 chapter 903 and the applicable rules of criminal procedure,
31 pending a hearing.

32 Section 5. For the purpose of incorporating the amendment
33 made by this act to sections 741.31, 784.047, and 784.0487,
34 Florida Statutes, in references thereto, subsection (2) of
35 section 741.315, Florida Statutes, is reenacted to read:

36 741.315 Recognition of foreign protection orders.—

37 (2) Pursuant to 18 U.S.C. s. 2265, an injunction for
38 protection against domestic violence issued by a court of a
39 foreign state must be accorded full faith and credit by the



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40 courts of this state and enforced by a law enforcement agency as
41 if it were the order of a Florida court issued under s. 741.30,
42 s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487,
43 and provided that the court had jurisdiction over the parties
44 and the matter and that reasonable notice and opportunity to be
45 heard was given to the person against whom the order is sought
46 sufficient to protect that person's right to due process. Ex
47 parte foreign injunctions for protection are not eligible for
48 enforcement under this section unless notice and opportunity to
49 be heard have been provided within the time required by the
50 foreign state or tribal law, and in any event within a
51 reasonable time after the order is issued, sufficient to protect
52 the respondent's due process rights.

53 Section 6. For the purpose of incorporating the amendment
54 made by this act to section 784.0487, Florida Statutes, in a
55 reference thereto, subsection (9) of section 784.0485, Florida
56 Statutes, is reenacted to read:

57 784.0485 Stalking; injunction; powers and duties of court
58 and clerk; petition; notice and hearing; temporary injunction;
59 issuance of injunction; statewide verification system;
60 enforcement.—

61 (9) (a) The court may enforce a violation of an injunction
62 for protection against stalking through a civil or criminal
63 contempt proceeding, or the state attorney may prosecute it as a
64 criminal violation under s. 784.0487. Any assessments or fines
65 ordered by the court enforcing such an injunction shall be
66 collected by the clerk of the court and transferred on a monthly
67 basis to the State Treasury for deposit into the Domestic
68 Violence Trust Fund.



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69 (b) If the respondent is arrested by a law enforcement
70 officer under s. 901.15(6) or for a violation of s. 784.0487,
71 the respondent shall be held in custody until brought before the
72 court as expeditiously as possible for the purpose of enforcing
73 the injunction and for admittance to bail in accordance with
74 chapter 903 and the applicable rules of criminal procedure,
75 pending a hearing.

76 Section 7. For the purpose of incorporating the amendment
77 made by this act to sections 741.31 and 784.047, Florida
78 Statutes, in references thereto, subsections (6) and (7) of
79 section 901.15, Florida Statutes, are reenacted to read:

80 901.15 When arrest by officer without warrant is lawful.—A
81 law enforcement officer may arrest a person without a warrant
82 when:

83 (6) There is probable cause to believe that the person has
84 committed a criminal act according to s. 790.233 or according to
85 s. 741.31 or s. 784.047 which violates an injunction for
86 protection entered pursuant to s. 741.30 or s. 784.046, or a
87 foreign protection order accorded full faith and credit pursuant
88 to s. 741.315, over the objection of the petitioner, if
89 necessary.

90 (7) There is probable cause to believe that the person has
91 committed an act of domestic violence, as defined in s. 741.28,
92 or dating violence, as provided in s. 784.046. The decision to
93 arrest shall not require consent of the victim or consideration
94 of the relationship of the parties. It is the public policy of
95 this state to strongly discourage arrest and charges of both
96 parties for domestic violence or dating violence on each other
97 and to encourage training of law enforcement and prosecutors in



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98 these areas. A law enforcement officer who acts in good faith
99 and exercises due care in making an arrest under this
100 subsection, under s. 741.31(4) or s. 784.047, or pursuant to a
101 foreign order of protection accorded full faith and credit
102 pursuant to s. 741.315, is immune from civil liability that
103 otherwise might result by reason of his or her action.

104

105 ===== T I T L E A M E N D M E N T =====

106 And the title is amended as follows:

107 Delete line 8

108 and insert:

109 provisions; reenacting s. 741.30(9), F.S., relating to
110 injunctions for protection against domestic violence,
111 to incorporate the amendment made by the act to s.
112 741.31, F.S., in a reference thereto; reenacting s.
113 741.315(2), F.S., relating to recognition of foreign
114 protection orders, to incorporate the amendments made
115 by the act to ss. 741.31, 784.047, and 784.0487, F.S.,
116 in references thereto; reenacting s. 784.0485(9),
117 F.S., relating to injunctions for protection against
118 stalking, to incorporate the amendment made by the act
119 to s. 784.0487, F.S., in a reference thereto;
120 reenacting s. 901.15(6) and (7), F.S., relating to
121 when arrest by an officer without warrant is lawful,
122 to incorporate the amendment made by the act to ss.
123 741.31 and 784.047, F.S., in references thereto;
124 providing an effective date.