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1  
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 for the same victim  
8 under specified provisions; defining the term  
9 "conviction"; reenacting s. 741.30(9), F.S., relating  
10 to injunctions for protection against domestic  
11 violence, to incorporate the amendment made by the act  
12 to s. 741.31, F.S., in a reference thereto; reenacting  
13 s. 741.315(2), F.S., relating to recognition of  
14 foreign protection orders, to incorporate the  
15 amendments made by the act to ss. 741.31, 784.047, and  
16 784.0487, F.S., in references thereto; reenacting s.  
17 784.0485(9), F.S., relating to injunctions for  
18 protection against stalking, to incorporate the  
19 amendment made by the act to s. 784.0487, F.S., in a  
20 reference thereto; reenacting s. 901.15(6) and (7),  
21 F.S., relating to when arrest by an officer without  
22 warrant is lawful, to incorporate the amendment made  
23 by the act to ss. 741.31 and 784.047, F.S., in  
24 references thereto; providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Subsection (4) of section 741.31, Florida  
29 Statutes, is amended to read:

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30 741.31 Violation of an injunction for protection against  
31 domestic violence.—

32 (4) (a) A person who willfully violates an injunction for  
33 protection against domestic violence issued pursuant to s.  
34 741.30, or a foreign protection order accorded full faith and  
35 credit pursuant to s. 741.315, by:

36 1. Refusing to vacate the dwelling that the parties share;

37 2. Going to, or being within 500 feet of, the petitioner's  
38 residence, school, place of employment, or a specified place  
39 frequented regularly by the petitioner and any named family or  
40 household member;

41 3. Committing an act of domestic violence against the  
42 petitioner;

43 4. Committing any other violation of the injunction through  
44 an intentional unlawful threat, word, or act to do violence to  
45 the petitioner;

46 5. Telephoning, contacting, or otherwise communicating with  
47 the petitioner directly or indirectly, unless the injunction  
48 specifically allows indirect contact through a third party;

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

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

54 8. Refusing to surrender firearms or ammunition if ordered  
55 to do so by the court

56  
57 commits a misdemeanor of the first degree, punishable as  
58 provided in s. 775.082 or s. 775.083, except as provided in

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59 paragraph (c).

60 (b)1. It is a violation of s. 790.233, and a misdemeanor of  
61 the first degree, punishable as provided in s. 775.082 or s.  
62 775.083, for a person to violate a final injunction for  
63 protection against domestic violence by having in his or her  
64 care, custody, possession, or control any firearm or ammunition.

65 2. It is the intent of the Legislature that the  
66 disabilities regarding possession of firearms and ammunition are  
67 consistent with federal law. Accordingly, this paragraph shall  
68 not apply to a state or local officer as defined in s.  
69 943.10(14), holding an active certification, who receives or  
70 possesses a firearm or ammunition for use in performing official  
71 duties on behalf of the officer's employing agency, unless  
72 otherwise prohibited by the employing agency.

73 (c) A person who has two or more prior convictions for  
74 violation of an injunction or foreign protection order, and who  
75 subsequently commits a violation of any injunction or foreign  
76 protection order against the same victim, commits a felony of  
77 the third degree, punishable as provided in s. 775.082, s.  
78 775.083 or s.775.084. For purposes of this paragraph, the term  
79 "conviction" means a determination of guilt which is the result  
80 of a plea or a trial, regardless of whether adjudication is  
81 withheld or a plea of nolo contendere is entered.

82 Section 2. Section 784.047, Florida Statutes, is amended to  
83 read:

84 784.047 Penalties for violating protective injunction  
85 against violators.-

86 (1) A person who willfully violates an injunction for  
87 protection against repeat violence, sexual violence, or dating

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88 violence, issued pursuant to s. 784.046, or a foreign protection  
89 order accorded full faith and credit pursuant to s. 741.315 by:

90 (a)~~(1)~~ Refusing to vacate the dwelling that the parties  
91 share;

92 (b)~~(2)~~ Going to, or being within 500 feet of, the  
93 petitioner's residence, school, place of employment, or a  
94 specified place frequented regularly by the petitioner and any  
95 named family or household member;

96 (c)~~(3)~~ Committing an act of repeat violence, sexual  
97 violence, or dating violence against the petitioner;

98 (d)~~(4)~~ Committing any other violation of the injunction  
99 through an intentional unlawful threat, word, or act to do  
100 violence to the petitioner;

101 (e)~~(5)~~ Telephoning, contacting, or otherwise communicating  
102 with the petitioner directly or indirectly, unless the  
103 injunction specifically allows indirect contact through a third  
104 party;

105 (f)~~(6)~~ Knowingly and intentionally coming within 100 feet  
106 of the petitioner's motor vehicle, whether or not that vehicle  
107 is occupied;

108 (g)~~(7)~~ Defacing or destroying the petitioner's personal  
109 property, including the petitioner's motor vehicle; or

110 (h)~~(8)~~ Refusing to surrender firearms or ammunition if  
111 ordered to do so by the court,

112  
113 commits a misdemeanor of the first degree, punishable as  
114 provided in s. 775.082 or s. 775.083, except as provided in  
115 subsection (2).

116 (2) A person who has two or more prior convictions for

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117 violation of an injunction or foreign protection order, and who  
118 subsequently commits a violation of any injunction or foreign  
119 protection order against the same victim, commits a felony of  
120 the third degree, punishable as provided in s. 775.082, s.  
121 775.083, or s. 775.084. For purposes of this subsection, the  
122 term "conviction" means a determination of guilt which is the  
123 result of a plea or a trial, regardless of whether adjudication  
124 is withheld or a plea of nolo contendere is entered.

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

127 784.0487 Violation of an injunction for protection against  
128 stalking or cyberstalking.—

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

133 1.(a) Going to, or being within 500 feet of, the  
134 petitioner's residence, school, place of employment, or a  
135 specified place frequented regularly by the petitioner and any  
136 named family members or individuals closely associated with the  
137 petitioner;

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

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

142 4.(d) Telephoning, contacting, or otherwise communicating  
143 with the petitioner, directly or indirectly, unless the  
144 injunction specifically allows indirect contact through a third  
145 party;

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146       ~~5.(e)~~ Knowingly and intentionally coming within 100 feet of  
147 the petitioner's motor vehicle, whether or not that vehicle is  
148 occupied;

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

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

153  
154 commits a misdemeanor of the first degree, punishable as  
155 provided in s. 775.082 or s. 775.083, except as provided in  
156 paragraph (b).

157       (b) A person who has two or more prior convictions for  
158 violation of an injunction or foreign protection order, and who  
159 subsequently commits a violation of any injunction or foreign  
160 protection order against the same victim, commits a felony of  
161 the third degree, punishable as provided in s. 775.082, s.  
162 775.083, or s. 775.084. For purposes of this paragraph, the term  
163 "conviction" means a determination of guilt that is the result  
164 of a plea or a trial, regardless of whether adjudication is  
165 withheld or a plea of nolo contendere is entered.

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

170       741.30 Domestic violence; injunction; powers and duties of  
171 court and clerk; petition; notice and hearing; temporary  
172 injunction; issuance of injunction; statewide verification  
173 system; enforcement; public records exemption.-

174       (9) (a) The court may enforce a violation of an injunction

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175 for protection against domestic violence through a civil or  
176 criminal contempt proceeding, or the state attorney may  
177 prosecute it as a criminal violation under s. 741.31. The court  
178 may enforce the respondent's compliance with the injunction  
179 through any appropriate civil and criminal remedies, including,  
180 but not limited to, a monetary assessment or a fine. The clerk  
181 of the court shall collect and receive such assessments or  
182 fines. On a monthly basis, the clerk shall transfer the moneys  
183 collected pursuant to this paragraph to the State Treasury for  
184 deposit in the Domestic Violence Trust Fund established in s.  
185 741.01.

186 (b) If the respondent is arrested by a law enforcement  
187 officer under s. 901.15(6) or for a violation of s. 741.31, the  
188 respondent shall be held in custody until brought before the  
189 court as expeditiously as possible for the purpose of enforcing  
190 the injunction and for admittance to bail in accordance with  
191 chapter 903 and the applicable rules of criminal procedure,  
192 pending a hearing.

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

197 741.315 Recognition of foreign protection orders.—

198 (2) Pursuant to 18 U.S.C. s. 2265, an injunction for  
199 protection against domestic violence issued by a court of a  
200 foreign state must be accorded full faith and credit by the  
201 courts of this state and enforced by a law enforcement agency as  
202 if it were the order of a Florida court issued under s. 741.30,  
203 s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487,

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204 and provided that the court had jurisdiction over the parties  
205 and the matter and that reasonable notice and opportunity to be  
206 heard was given to the person against whom the order is sought  
207 sufficient to protect that person's right to due process. Ex  
208 parte foreign injunctions for protection are not eligible for  
209 enforcement under this section unless notice and opportunity to  
210 be heard have been provided within the time required by the  
211 foreign state or tribal law, and in any event within a  
212 reasonable time after the order is issued, sufficient to protect  
213 the respondent's due process rights.

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

218 784.0485 Stalking; injunction; powers and duties of court  
219 and clerk; petition; notice and hearing; temporary injunction;  
220 issuance of injunction; statewide verification system;  
221 enforcement.—

222 (9) (a) The court may enforce a violation of an injunction  
223 for protection against stalking through a civil or criminal  
224 contempt proceeding, or the state attorney may prosecute it as a  
225 criminal violation under s. 784.0487. Any assessments or fines  
226 ordered by the court enforcing such an injunction shall be  
227 collected by the clerk of the court and transferred on a monthly  
228 basis to the State Treasury for deposit into the Domestic  
229 Violence Trust Fund.

230 (b) If the respondent is arrested by a law enforcement  
231 officer under s. 901.15(6) or for a violation of s. 784.0487,  
232 the respondent shall be held in custody until brought before the



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233 court as expeditiously as possible for the purpose of enforcing  
234 the injunction and for admittance to bail in accordance with  
235 chapter 903 and the applicable rules of criminal procedure,  
236 pending a hearing.

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

241 901.15 When arrest by officer without warrant is lawful.—A  
242 law enforcement officer may arrest a person without a warrant  
243 when:

244 (6) There is probable cause to believe that the person has  
245 committed a criminal act according to s. 790.233 or according to  
246 s. 741.31 or s. 784.047 which violates an injunction for  
247 protection entered pursuant to s. 741.30 or s. 784.046, or a  
248 foreign protection order accorded full faith and credit pursuant  
249 to s. 741.315, over the objection of the petitioner, if  
250 necessary.

251 (7) There is probable cause to believe that the person has  
252 committed an act of domestic violence, as defined in s. 741.28,  
253 or dating violence, as provided in s. 784.046. The decision to  
254 arrest shall not require consent of the victim or consideration  
255 of the relationship of the parties. It is the public policy of  
256 this state to strongly discourage arrest and charges of both  
257 parties for domestic violence or dating violence on each other  
258 and to encourage training of law enforcement and prosecutors in  
259 these areas. A law enforcement officer who acts in good faith  
260 and exercises due care in making an arrest under this  
261 subsection, under s. 741.31(4) or s. 784.047, or pursuant to a

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262 foreign order of protection accorded full faith and credit  
263 pursuant to s. 741.315, is immune from civil liability that  
264 otherwise might result by reason of his or her action.

265 Section 8. This act shall take effect October 1, 2016.