



147304

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2019	.	
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The Committee on Appropriations (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1866 - 1935

and insert:

Section 27. Subsection (8) is added to section 57.105, Florida Statutes, to read:

57.105 Attorney's fee; sanctions for raising unsupported claims or defenses; exceptions; service of motions; damages for delay of litigation.—

(8) Attorney fees may not be awarded under this section in



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11 proceedings for an injunction for protection pursuant to s.
12 784.046 or s. 784.0485, unless the court finds by clear and
13 convincing evidence that the petitioner knowingly made a false
14 statement or allegation in the petition with regard to a
15 material matter as defined in s. 837.011(3).

16 Section 28. Paragraph (d) of subsection (1) of section
17 784.048, Florida Statutes, is amended, and subsections (2)
18 through (5) and (7) of that section are republished, to read:

19 784.048 Stalking; definitions; penalties.—

20 (1) As used in this section, the term:

21 (d) "Cyberstalk" means:

22 1. To engage in a course of conduct to communicate, or to
23 cause to be communicated, words, images, or language by or
24 through the use of electronic mail or electronic communication,
25 directed at a specific person; or

26 2. To access, or attempt to access, the online accounts or
27 Internet-connected home electronic systems of another person
28 without that person's permission,

29
30 causing substantial emotional distress to that person and
31 serving no legitimate purpose.

32 (2) A person who willfully, maliciously, and repeatedly
33 follows, harasses, or cyberstalks another person commits the
34 offense of stalking, a misdemeanor of the first degree,
35 punishable as provided in s. 775.082 or s. 775.083.

36 (3) A person who willfully, maliciously, and repeatedly
37 follows, harasses, or cyberstalks another person and makes a
38 credible threat to that person commits the offense of aggravated
39 stalking, a felony of the third degree, punishable as provided



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40 in s. 775.082, s. 775.083, or s. 775.084.

41 (4) A person who, after an injunction for protection
42 against repeat violence, sexual violence, or dating violence
43 pursuant to s. 784.046, or an injunction for protection against
44 domestic violence pursuant to s. 741.30, or after any other
45 court-imposed prohibition of conduct toward the subject person
46 or that person's property, knowingly, willfully, maliciously,
47 and repeatedly follows, harasses, or cyberstalks another person
48 commits the offense of aggravated stalking, a felony of the
49 third degree, punishable as provided in s. 775.082, s. 775.083,
50 or s. 775.084.

51 (5) A person who willfully, maliciously, and repeatedly
52 follows, harasses, or cyberstalks a child under 16 years of age
53 commits the offense of aggravated stalking, a felony of the
54 third degree, punishable as provided in s. 775.082, s. 775.083,
55 or s. 775.084.

56 (7) A person who, after having been sentenced for a
57 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and
58 prohibited from contacting the victim of the offense under s.
59 921.244, willfully, maliciously, and repeatedly follows,
60 harasses, or cyberstalks the victim commits the offense of
61 aggravated stalking, a felony of the third degree, punishable as
62 provided in s. 775.082, s. 775.083, or s. 775.084.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete lines 165 - 171

67 and insert:

68 amending s. 57.105, F.S.; prohibiting the awarding of



69 attorney fees for certain proceedings for injunctions
70 for protection under specified provisions; providing
71 an exception; amending s. 784.048, F.S.; revising the
72 definition of the term "cyberstalk"; providing
73 criminal penalties;