



147304

LEGISLATIVE ACTION

Senate

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House

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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



147304

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



147304

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



147304

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;