



460344

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2012	.	
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The Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations (Storms) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 741.315, Florida Statutes, is amended to read:

741.315 Recognition of foreign protection orders.—

(2) Pursuant to 18 U.S.C. s. 2265, an injunction for protection against domestic violence issued by a court of a foreign state must be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as



460344

13 if it were the order of a Florida court issued under s. 741.30,
14 s. 741.31, s. 784.046, ~~or~~ s. 784.047, s. 784.0485, or s.
15 784.0487, and provided that the court had jurisdiction over the
16 parties and the matter and that reasonable notice and
17 opportunity to be heard was given to the person against whom the
18 order is sought sufficient to protect that person's right to due
19 process. Ex parte foreign injunctions for protection are not
20 eligible for enforcement under this section unless notice and
21 opportunity to be heard have been provided within the time
22 required by the foreign state or tribal law, and in any event
23 within a reasonable time after the order is issued, sufficient
24 to protect the respondent's due process rights.

25 Section 2. Section 784.048, Florida Statutes, is amended to
26 read:

27 784.048 Stalking; definitions; penalties.—

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

29 (a) "Harass" means to engage in a course of conduct
30 directed at a specific person which ~~that~~ causes substantial
31 emotional distress to that ~~in such~~ person and serves no
32 legitimate purpose.

33 (b) "Course of conduct" means a pattern of conduct composed
34 of a series of acts over a period of time, however short, which
35 evidences ~~evidencing~~ a continuity of purpose. The term does not
36 include constitutionally protected activity such as ~~is not~~
37 ~~included within the meaning of "course of conduct."~~ Such
38 ~~constitutionally protected activity includes~~ picketing or other
39 organized protests.

40 (c) "Credible threat" means a verbal or nonverbal threat,
41 or a combination of the two, including threats delivered by



460344

42 electronic communication or implied by a pattern of conduct,
43 which places the person who is the target of the threat in
44 reasonable fear for his or her safety or the safety of his or
45 her family members or individuals closely associated with the
46 person, and which is made with the apparent ability to carry out
47 the threat to cause such harm. It is not necessary to prove that
48 the person making the threat had the intent to actually carry
49 out the threat. The present incarceration of the person making
50 the threat is not a bar to prosecution under this section ~~made~~
51 ~~with the intent to cause the person who is the target of the~~
52 ~~threat to reasonably fear for his or her safety. The threat must~~
53 ~~be against the life of, or a threat to cause bodily injury to, a~~
54 ~~person.~~

55 (d) "Cyberstalk" means to engage in a course of conduct to
56 communicate, or to cause to be communicated, words, images, or
57 language by or through the use of electronic mail or electronic
58 communication, directed at a specific person, causing
59 substantial emotional distress to that person and serving no
60 legitimate purpose.

61 (2) A ~~Any~~ person who willfully, maliciously, and repeatedly
62 follows, harasses, or cyberstalks another person commits the
63 offense of stalking, a misdemeanor of the first degree,
64 punishable as provided in s. 775.082 or s. 775.083.

65 (3) A ~~Any~~ person who willfully, maliciously, and repeatedly
66 follows, harasses, or cyberstalks another person, ~~and makes a~~
67 credible threat to that person ~~with the intent to place that~~
68 ~~person in reasonable fear of death or bodily injury of the~~
69 ~~person, or the person's child, sibling, spouse, parent, or~~
70 ~~dependent,~~ commits the offense of aggravated stalking, a felony



460344

71 of the third degree, punishable as provided in s. 775.082, s.
72 775.083, or s. 775.084.

73 (4) A ~~Any~~ person who, after an injunction for protection
74 against repeat violence, sexual violence, or dating violence
75 pursuant to s. 784.046, or an injunction for protection against
76 domestic violence pursuant to s. 741.30, or after any other
77 court-imposed prohibition of conduct toward the subject person
78 or that person's property, knowingly, willfully, maliciously,
79 and repeatedly follows, harasses, or cyberstalks another person
80 commits the offense of aggravated stalking, a felony of the
81 third degree, punishable as provided in s. 775.082, s. 775.083,
82 or s. 775.084.

83 (5) A ~~Any~~ person who willfully, maliciously, and repeatedly
84 follows, harasses, or cyberstalks a child ~~minor~~ under 16 years
85 of age commits the offense of aggravated stalking, a felony of
86 the third degree, punishable as provided in s. 775.082, s.
87 775.083, or s. 775.084.

88 (6) A ~~Any~~ law enforcement officer may arrest, without a
89 warrant, any person that he or she has probable cause to believe
90 has violated ~~the provisions of~~ this section.

91 (7) A ~~Any~~ person who, after having been sentenced for a
92 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and
93 prohibited from contacting the victim of the offense under s.
94 921.244, willfully, maliciously, and repeatedly follows,
95 harasses, or cyberstalks the victim commits the offense of
96 aggravated stalking, a felony of the third degree, punishable as
97 provided in s. 775.082, s. 775.083, or s. 775.084.

98 (8) The punishment imposed under this section shall run
99 consecutive to any former sentence imposed for a conviction for



460344

100 any offense under s. 794.011, s. 800.04, or s. 847.0135(5).

101 (9) (a) The sentencing court shall consider, as a part of
102 any sentence, issuing an order restraining the defendant from
103 any contact with the victim, which may be valid for up to 10
104 years, as determined by the court. It is the intent of the
105 Legislature that the length of any such order be based upon the
106 seriousness of the facts before the court, the probability of
107 future violations by the perpetrator, and the safety of the
108 victim and his or her family members or individuals closely
109 associated with the victim.

110 (b) The order may be issued by the court even if the
111 defendant is sentenced to a state prison or a county jail or
112 even if the imposition of the sentence is suspended and the
113 defendant is placed on probation.

114 Section 3. Section 784.0485, Florida Statutes, is created
115 to read:

116 784.0485 Stalking; injunction; powers and duties of court
117 and clerk; petition; notice and hearing; temporary injunction;
118 issuance of injunction; statewide verification system;
119 enforcement.-

120 (1) There is created a cause of action for an injunction
121 for protection against stalking. For the purposes of injunctions
122 for protection against stalking under this section, the offense
123 of stalking shall include the offense of cyberstalking.

124 (a) A person who is the victim of stalking or the parent or
125 legal guardian of a minor child who is living at home who seeks
126 an injunction for protection against stalking on behalf of the
127 minor child has standing in the circuit court to file a sworn
128 petition for an injunction for protection against stalking.



460344

129 (b) The cause of action for an injunction for protection
130 may be sought regardless of whether any other cause of action is
131 currently pending between the parties. However, the pendency of
132 any such cause of action shall be alleged in the petition.

133 (c) The cause of action for an injunction may be sought by
134 any affected person.

135 (d) The cause of action for an injunction does not require
136 either party to be represented by an attorney.

137 (e) The court may not issue mutual orders of protection;
138 however, the court is not precluded from issuing separate
139 injunctions for protection against stalking if each party has
140 complied with this section. Compliance with this section may not
141 be waived.

142 (f) Notwithstanding chapter 47, a petition for an
143 injunction for protection against stalking may be filed in the
144 circuit where the petitioner currently or temporarily resides,
145 where the respondent resides, or where the stalking occurred.
146 There is no minimum requirement of residency to petition for an
147 injunction for protection.

148 (2) (a) Notwithstanding any other law, the clerk of court
149 may not assess a filing fee to file a petition for protection
150 against stalking. However, subject to legislative appropriation,
151 the clerk of the circuit court may, on a quarterly basis, submit
152 to the Office of the State Courts Administrator a certified
153 request for reimbursement for petitions for protection against
154 stalking issued by the court, at the rate of \$40 per petition.
155 The request for reimbursement shall be submitted in the form and
156 manner prescribed by the Office of the State Courts
157 Administrator. From this reimbursement, the clerk shall pay any



460344

158 law enforcement agency serving the injunction the fee requested
159 by the law enforcement agency; however, this fee may not exceed
160 \$20.

161 (b) A bond is not required by the court for the entry of an
162 injunction.

163 (c)1. The clerk of the court shall assist petitioners in
164 seeking both injunctions for protection against stalking and
165 enforcement of a violation thereof as specified in this section.

166 2. All offices of the clerk of the court shall provide
167 simplified petition forms for the injunction and any
168 modifications to and the enforcement thereof, including
169 instructions for completion.

170 3. The clerk of the court shall ensure the petitioner's
171 privacy to the extent practicable while completing the forms for
172 an injunction for protection against stalking.

173 4. The clerk of the court shall provide a petitioner with a
174 minimum of two certified copies of the order of injunction, one
175 of which is serviceable and will inform the petitioner of the
176 process for service and enforcement.

177 5. The clerk of the court and appropriate staff in each
178 county shall receive training in the effective assistance of
179 petitioners as provided or approved by the Florida Association
180 of Court Clerks and Comptrollers.

181 6. The clerk of the court in each county shall make
182 available informational brochures on stalking when such a
183 brochure is provided by the local certified domestic violence
184 center or certified rape crisis center.

185 7. The clerk of the court in each county shall distribute a
186 statewide uniform informational brochure to petitioners at the



460344

187 time of filing for an injunction for protection against stalking
188 when such brochures become available. The brochure must include
189 information about the effect of giving the court false
190 information.

191 (3) (a) The sworn petition shall allege the existence of
192 such stalking and shall include the specific facts and
193 circumstances for which relief is sought.

194 (b) The sworn petition shall be in substantially the
195 following form:

196

197 PETITION FOR INJUNCTION FOR PROTECTION AGAINST STALKING

198

199 Before me, the undersigned authority, personally appeared
200 Petitioner ...(Name)..., who has been sworn and says that
201 the following statements are true:

202

203 1. Petitioner resides at: ...(address)...

204 (Petitioner may furnish the address to the court in a
205 separate confidential filing if, for safety reasons,
206 the petitioner requires the location of the current
207 residence to be confidential.)

208 2. Respondent resides at: ...(last known address)...

209 3. Respondent's last known place of employment: ...(name
210 of business and address)...

211 4. Physical description of respondent:

212 5. Race:

213 6. Sex:

214 7. Date of birth:

215 8. Height:



460344

- 216 9. Weight:
- 217 10. Eye color:
- 218 11. Hair color:
- 219 12. Distinguishing marks or scars:
- 220 13. Aliases of respondent:

221

222 (c) The petitioner shall describe any other cause of action
223 currently pending between the petitioner and respondent. The
224 petitioner shall also describe any previous attempt by the
225 petitioner to obtain an injunction for protection against
226 stalking in this or any other circuit, and the result of that
227 attempt. (Case numbers should be included, if available.)

228 (d) The petition must provide space for the petitioner to
229 specifically allege that he or she is a victim of stalking
230 because respondent has:

231

232 (Mark all sections that apply and describe in the spaces below
233 the incidents of stalking specifying when and where they
234 occurred, including, but not limited to, locations such as a
235 home, school, or place of employment.)

236

237 Committed stalking.

238 Previously threatened, harassed, stalked,
239 cyberstalked, or physically abused the petitioner.

240 Threatened to harm the petitioner or family members or
241 individuals closely associated with the petitioner.

242 Intentionally injured or killed a family pet.

243 Used, or threatened to use, against the petitioner any
244 weapons such as guns or knives.



460344

245 A criminal history involving violence or the threat of
246 violence, if known.

247 Another order of protection issued against him or her
248 previously or from another jurisdiction, if known.

249 Destroyed personal property, including, but not
250 limited to, telephones or other communication equipment,
251 clothing, or other items belonging to the petitioner.

252 (e) The petitioner seeks an injunction:

253
254 (Mark appropriate section or sections.)

255
256 Immediately restraining the respondent from committing
257 any acts of stalking.

258 Restraining the respondent from committing any acts of
259 stalking.

260 Providing any terms the court deems necessary for the
261 protection of a victim of stalking, including any injunctions or
262 directives to law enforcement agencies.

263 (f) Every petition for an injunction against stalking must
264 contain, directly above the signature line, a statement in all
265 capital letters and bold type not smaller than the surrounding
266 text, as follows:

267
268 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND
269 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT
270 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE
271 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
272 SECTION 837.02, FLORIDA STATUTES.
273



460344

274 ...(initials)...

275
276 (4) Upon the filing of the petition, the court shall set a
277 hearing to be held at the earliest possible time. The respondent
278 shall be personally served with a copy of the petition, notice
279 of hearing, and temporary injunction, if any, before the
280 hearing.

281 (5) (a) If it appears to the court that stalking exists, the
282 court may grant a temporary injunction ex parte, pending a full
283 hearing, and may grant such relief as the court deems proper,
284 including an injunction restraining the respondent from
285 committing any act of stalking.

286 (b) In a hearing ex parte for the purpose of obtaining such
287 ex parte temporary injunction, evidence other than verified
288 pleadings or affidavits may not be used as evidence, unless the
289 respondent appears at the hearing or has received reasonable
290 notice of the hearing. A denial of a petition for an ex parte
291 injunction shall be by written order noting the legal grounds
292 for denial. If the only ground for denial is no appearance of an
293 immediate and present danger of stalking, the court shall set a
294 full hearing on the petition for injunction with notice at the
295 earliest possible time. This paragraph does not affect a
296 petitioner's right to promptly amend any petition, or otherwise
297 be heard in person on any petition consistent with the Florida
298 Rules of Civil Procedure.

299 (c) Any such ex parte temporary injunction is effective for
300 a fixed period not to exceed 15 days. A full hearing, as
301 provided in this section, shall be set for a date no later than
302 the date when the temporary injunction ceases to be effective.



460344

303 The court may grant a continuance of the hearing before or
304 during a hearing for good cause shown by any party, which shall
305 include a continuance to obtain service of process. An
306 injunction shall be extended if necessary to remain in full
307 force and effect during any period of continuance.

308 (6) (a) Upon notice and hearing, when it appears to the
309 court that the petitioner is the victim of stalking, the court
310 may grant such relief as the court deems proper, including an
311 injunction:

312 1. Restraining the respondent from committing any act of
313 stalking.

314 2. Ordering the respondent to participate in treatment,
315 intervention, or counseling services to be paid for by the
316 respondent.

317 3. Referring a petitioner to appropriate services. The
318 court may provide the petitioner with a list of certified
319 domestic violence centers, certified rape crisis centers, and
320 other appropriate referrals in the circuit which the petitioner
321 may contact.

322 4. Ordering such other relief as the court deems necessary
323 for the protection of a victim of stalking, including
324 injunctions or directives to law enforcement agencies, as
325 provided in this section.

326 (b) The terms of an injunction restraining the respondent
327 under subparagraph (a)1. or ordering other relief for the
328 protection of the victim under subparagraph (a)4. shall remain
329 in effect until modified or dissolved. Either party may move at
330 any time to modify or dissolve the injunction. Specific
331 allegations are not required. Such relief may be granted in



460344

332 addition to other civil or criminal remedies.

333 (c) A temporary or final judgment on injunction for
334 protection against stalking entered pursuant to this section
335 shall, on its face, indicate:

336 1. That the injunction is valid and enforceable in all
337 counties of this state.

338 2. That law enforcement officers may use their arrest
339 powers pursuant to s. 901.15(6) to enforce the terms of the
340 injunction.

341 3. That the court has jurisdiction over the parties and
342 matter under the laws of this state and that reasonable notice
343 and opportunity to be heard was given to the person against whom
344 the order is sought sufficient to protect that person's right to
345 due process.

346 4. The date that the respondent was served with the
347 temporary or final order, if obtainable.

348 (d) The fact that a separate order of protection is granted
349 to each opposing party is not legally sufficient to deny any
350 remedy to either party or to prove that the parties are equally
351 at fault or equally endangered.

352 (e) A final judgment on an injunction for protection
353 against stalking entered pursuant to this section must, on its
354 face, provide that it is a violation of s. 790.233 and a
355 misdemeanor of the first degree for the respondent to have in
356 his or her care, custody, possession, or control any firearm or
357 ammunition.

358 (f) All proceedings under this subsection shall be
359 recorded. Recording may be by electronic means as provided by
360 the Rules of Judicial Administration.



460344

361 (7) The court shall allow an advocate from a state
362 attorney's office, a law enforcement agency, a certified rape
363 crisis center, or a certified domestic violence center who is
364 registered under s. 39.905 to be present with the petitioner or
365 respondent during any court proceedings or hearings related to
366 the injunction for protection if the petitioner or respondent
367 has made such a request and the advocate is able to be present.

368 (8) (a) 1. The clerk of the court shall furnish a copy of the
369 petition, notice of hearing, and temporary injunction, if any,
370 to the sheriff or a law enforcement agency of the county where
371 the respondent resides or can be found, who shall serve it upon
372 the respondent as soon thereafter as possible on any day of the
373 week and at any time of the day or night. When requested by the
374 sheriff, the clerk of the court may transmit a facsimile copy of
375 an injunction that has been certified by the clerk of the court,
376 and this facsimile copy may be served in the same manner as a
377 certified copy. Upon receiving a facsimile copy, the sheriff
378 must verify receipt with the sender before attempting to serve
379 it on the respondent. In addition, if the sheriff is in
380 possession of an injunction for protection that has been
381 certified by the clerk of the court, the sheriff may transmit a
382 facsimile copy of that injunction to a law enforcement officer
383 who shall serve it in the same manner as a certified copy. The
384 clerk of the court shall furnish to the sheriff such information
385 concerning the respondent's physical description and location as
386 is required by the Department of Law Enforcement to comply with
387 the verification procedures set forth in this section.
388 Notwithstanding any other law, the chief judge of each circuit,
389 in consultation with the appropriate sheriff, may authorize a



460344

390 law enforcement agency within the jurisdiction to effect
391 service. A law enforcement agency serving injunctions pursuant
392 to this section shall use service and verification procedures
393 consistent with those of the sheriff.

394 2. If an injunction is issued and the petitioner requests
395 the assistance of a law enforcement agency, the court may order
396 that an officer from the appropriate law enforcement agency
397 accompany the petitioner to assist in the execution or service
398 of the injunction. A law enforcement officer shall accept a copy
399 of an injunction for protection against stalking, certified by
400 the clerk of the court, from the petitioner and immediately
401 serve it upon a respondent who has been located but not yet
402 served.

403 3. An order issued, changed, continued, extended, or
404 vacated subsequent to the original service of documents
405 enumerated under subparagraph 1. shall be certified by the clerk
406 of the court and delivered to the parties at the time of the
407 entry of the order. The parties may acknowledge receipt of such
408 order in writing on the face of the original order. If a party
409 fails or refuses to acknowledge the receipt of a certified copy
410 of an order, the clerk shall note on the original order that
411 service was effected. If delivery at the hearing is not
412 possible, the clerk shall mail certified copies of the order to
413 the parties at the last known address of each party. Service by
414 mail is complete upon mailing. When an order is served pursuant
415 to this subsection, the clerk shall prepare a written
416 certification to be placed in the court file specifying the
417 time, date, and method of service and shall notify the sheriff.

418 4. If the respondent has been served previously with a



460344

419 temporary injunction and has failed to appear at the initial
420 hearing on the temporary injunction, any subsequent petition for
421 injunction seeking an extension of time may be served on the
422 respondent by the clerk of the court by certified mail in lieu
423 of personal service by a law enforcement officer.

424 (b)1. Within 24 hours after the court issues an injunction
425 for protection against stalking or changes, continues, extends,
426 or vacates an injunction for protection against stalking, the
427 clerk of the court must forward a certified copy of the
428 injunction for service to the sheriff having jurisdiction over
429 the residence of the petitioner. The injunction must be served
430 in accordance with this subsection.

431 2. Within 24 hours after service of process of an
432 injunction for protection against stalking upon a respondent,
433 the law enforcement officer must forward the written proof of
434 service of process to the sheriff having jurisdiction over the
435 residence of the petitioner.

436 3. Within 24 hours after the sheriff receives a certified
437 copy of the injunction for protection against stalking, the
438 sheriff must make information relating to the injunction
439 available to other law enforcement agencies by electronically
440 transmitting such information to the Department of Law
441 Enforcement.

442 4. Within 24 hours after the sheriff or other law
443 enforcement officer has made service upon the respondent and the
444 sheriff has been so notified, the sheriff must make information
445 relating to the service available to other law enforcement
446 agencies by electronically transmitting such information to the
447 Department of Law Enforcement.



460344

448 5. Within 24 hours after an injunction for protection
449 against stalking is vacated, terminated, or otherwise rendered
450 no longer effective by ruling of the court, the clerk of the
451 court must notify the sheriff receiving original notification of
452 the injunction as provided in subparagraph 2. That agency shall,
453 within 24 hours after receiving such notification from the clerk
454 of the court, notify the Department of Law Enforcement of such
455 action of the court.

456 (9) (a) The court may enforce a violation of an injunction
457 for protection against stalking through a civil or criminal
458 contempt proceeding, or the state attorney may prosecute it as a
459 criminal violation under s. 784.0487. Any assessments or fines
460 ordered by the court enforcing such an injunction shall be
461 collected by the clerk of the court and transferred on a monthly
462 basis to the State Treasury for deposit into the Domestic
463 Violence Trust Fund.

464 (b) If the respondent is arrested by a law enforcement
465 officer under s. 901.15(6) or for a violation of s. 784.0487,
466 the respondent shall be held in custody until brought before the
467 court as expeditiously as possible for the purpose of enforcing
468 the injunction and for admittance to bail in accordance with
469 chapter 903 and the applicable rules of criminal procedure,
470 pending a hearing.

471 (10) The petitioner or the respondent may move the court to
472 modify or dissolve an injunction at any time.

473 Section 4. Section 784.0487, Florida Statutes, is created
474 to read:

475 784.0487 Violation of an injunction for protection against
476 stalking or cyberstalking.-



460344

477 (1) If the injunction for protection against stalking or
478 cyberstalking has been violated and the respondent has not been
479 arrested, the petitioner may contact the clerk of the circuit
480 court of the county in which the violation is alleged to have
481 occurred. The clerk shall assist the petitioner in preparing an
482 affidavit in support of reporting the violation or directing the
483 petitioner to the office operated by the court that has been
484 designated by the chief judge of that circuit as the central
485 intake point for violations of injunctions for protection where
486 the petitioner can receive assistance in the preparation of the
487 affidavit in support of the violation.

488 (2) The affidavit shall be immediately forwarded by the
489 office assisting the petitioner to the state attorney of that
490 circuit and to such judge as the chief judge determines to be
491 the recipient of affidavits of violations of an injunction. If
492 the affidavit alleges that a crime has been committed, the
493 office assisting the petitioner shall also forward a copy of the
494 petitioner's affidavit to the appropriate law enforcement agency
495 for investigation. No later than 20 days after receiving the
496 initial report, the local law enforcement agency shall complete
497 its investigation and forward a report to the state attorney.
498 The policy adopted by the state attorney in each circuit under
499 s. 741.2901(2) shall include a policy regarding intake of
500 alleged violations of injunctions for protection against
501 stalking or cyberstalking under this section. The intake shall
502 be supervised by a state attorney who has been designated and
503 assigned to handle stalking or cyberstalking cases. The state
504 attorney shall determine within 30 working days whether his or
505 her office will file criminal charges or prepare a motion for an



460344

506 order to show cause as to why the respondent should not be held
507 in criminal contempt, or prepare both as alternative findings,
508 or file notice that the case remains under investigation or is
509 pending subject to some other action.

510 (3) If the court has knowledge that the petitioner or
511 another person is in immediate danger if the court does not act
512 before the decision of the state attorney to proceed, the court
513 shall immediately issue an order of appointment of the state
514 attorney to file a motion for an order to show cause as to why
515 the respondent should not be held in contempt. If the court does
516 not issue an order of appointment of the state attorney, it
517 shall immediately notify the state attorney that the court is
518 proceeding to enforce the violation through criminal contempt.

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

523 (a) Going to, or being within 500 feet of, the petitioner's
524 residence, school, place of employment, or a specified place
525 frequented regularly by the petitioner and any named family
526 members or individuals closely associated with the petitioner;

527 (b) Committing an act of stalking against the petitioner;

528 (c) Committing any other violation of the injunction
529 through an intentional unlawful threat, word, or act to do
530 violence to the petitioner;

531 (d) Telephoning, contacting, or otherwise communicating
532 with the petitioner, directly or indirectly, unless the
533 injunction specifically allows indirect contact through a third
534 party;



460344

535 (e) Knowingly and intentionally coming within 100 feet of
536 the petitioner's motor vehicle, whether or not that vehicle is
537 occupied;

538 (f) Defacing or destroying the petitioner's personal
539 property, including the petitioner's motor vehicle; or

540 (g) Refusing to surrender firearms or ammunition if ordered
541 to do so by the court,

542
543 commits a misdemeanor of the first degree, punishable as
544 provided in s. 775.082 or s. 775.083.

545 (5) A person who suffers an injury or loss as a result of a
546 violation of an injunction for protection against stalking or
547 cyberstalking may be awarded economic damages for that injury or
548 loss by the court issuing the injunction. Damages includes costs
549 and attorney fees for enforcement of the injunction.

550 Section 5. Section 790.233, Florida Statutes, is amended to
551 read:

552 790.233 Possession of firearm or ammunition prohibited when
553 person is subject to an injunction against committing acts of
554 domestic violence, stalking, or cyberstalking; penalties.-

555 (1) A person may not have in his or her care, custody,
556 possession, or control any firearm or ammunition if the person
557 has been issued a final injunction that is currently in force
558 and effect, restraining that person from committing acts of
559 domestic violence, as and that has been issued under s. 741.30
560 or from committing acts of stalking or cyberstalking, as issued
561 under s. 784.0485.

562 (2) A person who violates subsection (1) commits a
563 misdemeanor of the first degree, punishable as provided in s.



460344

564 775.082 or s. 775.083.

565 (3) It is the intent of the Legislature that the
566 disabilities regarding possession of firearms and ammunition are
567 consistent with federal law. Accordingly, this section does
568 ~~shall~~ not apply to a state or local officer as defined in s.
569 943.10(14), holding an active certification, who receives or
570 possesses a firearm or ammunition for use in performing official
571 duties on behalf of the officer's employing agency, unless
572 otherwise prohibited by the employing agency.

573 Section 6. This act shall take effect October 1, 2012.

574
575 ===== T I T L E A M E N D M E N T =====

576 And the title is amended as follows:

577 Delete everything before the enacting clause
578 and insert:

579 A bill to be entitled
580 An act relating to stalking; amending s. 741.315,
581 F.S.; providing that additional types of injunctions
582 issued by a court of a foreign state shall be accorded
583 full faith and credit by the courts of this state and
584 enforced as if they were orders issued under specified
585 provisions; amending s. 784.048, F.S.; redefining the
586 terms "course of conduct" and "credible threat";
587 providing that a person who makes a threat that places
588 another person in reasonable fear for his or her
589 safety or the safety of his or her family members or
590 individuals closely associated with the person commits
591 the offense of aggravated stalking under certain
592 circumstances; providing criminal penalties; requiring



460344

593 that the sentencing court consider issuing an order
594 restraining a defendant from any contact with the
595 victim for up to 10 years; providing legislative
596 intent regarding the length of any such restraining
597 order; creating s. 784.0485, F.S.; creating a civil
598 cause of action for an injunction for protection
599 against stalking or cyberstalking; providing that a
600 victim of stalking or cyberstalking or a parent or
601 legal guardian on behalf of a minor child victim has
602 standing in the circuit court to file a sworn petition
603 for an injunction for protection against stalking or
604 cyberstalking; prohibiting a court from issuing mutual
605 orders of protection, but authorizing the court to
606 issue a separate injunction for protection against
607 stalking or cyberstalking if each party has complied
608 with the provisions of law; providing for venue of the
609 cause of action; prohibiting the clerk of the court
610 from assessing a filing fee; providing an exception;
611 providing that a petitioner is not required to post a
612 bond; requiring the clerks of court to assist
613 petitioners in filing petitions with the court;
614 requiring the clerk of the court in each county to
615 make available informational brochures; providing a
616 sample petition for an injunction for protection
617 against stalking or cyberstalking; authorizing the
618 court to grant a temporary injunction ex parte,
619 pending a full hearing, under certain circumstances;
620 authorizing the court to grant such relief as the
621 court deems necessary and proper; providing procedures



460344

622 for an ex parte injunction hearing; setting forth the
623 criteria the court must consider at the hearing;
624 requiring the court to allow an advocate from a state
625 attorney's office, law enforcement agency, certified
626 domestic violence center, or certified rape crisis
627 center to be present with the petitioner or respondent
628 during any court proceeding; requiring the clerk of
629 the court to furnish a copy of the petition, notice of
630 hearing, and temporary injunction, if any, to the
631 sheriff or a law enforcement agency of the county
632 where the respondent resides or can be found, who
633 shall serve it upon the respondent as soon thereafter
634 as possible on any day of the week and at any time of
635 the day or night; authorizing the court to order a law
636 enforcement officer to accompany the petitioner;
637 authorizing the court to enforce a violation of an
638 injunction for protection against stalking or
639 cyberstalking through a civil or criminal contempt
640 proceeding; authorizing a state attorney to use
641 criminal procedures for a violation of an injunction
642 for protection; creating s. 784.0487, F.S.; providing
643 procedures to follow when the respondent has violated
644 the injunction for protection; providing criminal
645 penalties; providing that a court may award a person
646 who suffers an injury or loss as a result of a
647 violation of an injunction for protection against
648 stalking or cyberstalking economic damages for that
649 injury or loss, including costs and attorney fees for
650 enforcement of the injunction; amending s. 790.233,



460344

651 F.S.; providing that a person may not have in his or
652 her possession any firearm or ammunition if a final
653 injunction is currently in force to restrain that
654 person from committing acts of stalking or
655 cyberstalking; providing criminal penalties; providing
656 an effective date.