

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Rodríguez, J. offered the following:

2
3 **Amendment to Amendment (056723) (with title amendment)**

4 Between lines 4 and 5 of the amendment, insert:

5 Section 2. Subsection (4) of section 741.31, Florida
6 Statutes, is amended to read:

7 741.31 Violation of an injunction for protection against
8 domestic violence.—

9 (4) (a) A person who willfully violates an injunction for
10 protection against domestic violence issued pursuant to s.
11 741.30, or a foreign protection order accorded full faith and
12 credit pursuant to s. 741.315, by:

- 13 1. Refusing to vacate the dwelling that the parties share;

650255

Approved For Filing: 4/28/2015 12:23:18 PM

Amendment No.

14 2. Going to, or being within 500 feet of, the petitioner's
15 residence, school, place of employment, or a specified place
16 frequented regularly by the petitioner and any named family or
17 household member;

18 3. Committing an act of domestic violence against the
19 petitioner;

20 4. Committing any other violation of the injunction
21 through an intentional unlawful threat, word, or act to do
22 violence to the petitioner;

23 5. Telephoning, contacting, or otherwise communicating
24 with the petitioner directly or indirectly, unless the
25 injunction specifically allows indirect contact through a third
26 party;

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

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

32 8. Refusing to surrender firearms or ammunition if ordered
33 to do so by the court

34
35 commits a misdemeanor of the first degree, punishable as
36 provided in s. 775.082 or s. 775.083, except as provided in
37 paragraph (c).

38 (b)1. It is a violation of s. 790.233, and a misdemeanor
39 of the first degree, punishable as provided in s. 775.082 or s.

650255

Approved For Filing: 4/28/2015 12:23:18 PM

Amendment No.

40 775.083, for a person to violate a final injunction for
41 protection against domestic violence by having in his or her
42 care, custody, possession, or control any firearm or ammunition.

43 2. It is the intent of the Legislature that the
44 disabilities regarding possession of firearms and ammunition are
45 consistent with federal law. Accordingly, this paragraph shall
46 not apply to a state or local officer as defined in s.
47 943.10(14), holding an active certification, who receives or
48 possesses a firearm or ammunition for use in performing official
49 duties on behalf of the officer's employing agency, unless
50 otherwise prohibited by the employing agency.

51 (c) A person who has two or more prior convictions for
52 violation of an injunction and who commits any third or
53 subsequent violation commits a felony of the third degree,
54 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
55 For purposes of this paragraph, the term "conviction" means a
56 determination of guilt that is the result of a plea or a trial,
57 regardless of whether adjudication is withheld or a plea of nolo
58 contendere is entered.

59 Section 3. Section 784.047, Florida Statutes, is amended
60 to read:

61 784.047 Penalties for violating protective injunction
62 against violators.—

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

650255

Approved For Filing: 4/28/2015 12:23:18 PM

Amendment No.

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

67 ~~(a)(1)~~ Refusing to vacate the dwelling that the parties
68 share;

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

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

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

78 ~~(e)(5)~~ Telephoning, contacting, or otherwise communicating
79 with the petitioner directly or indirectly, unless the
80 injunction specifically allows indirect contact through a third
81 party;

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

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

87 ~~(h)(8)~~ Refusing to surrender firearms or ammunition if
88 ordered to do so by the court,
89

650255

Approved For Filing: 4/28/2015 12:23:18 PM

Amendment No.

90 commits a misdemeanor of the first degree, punishable as
91 provided in s. 775.082 or s. 775.083, except as provided in
92 subsection (2).

93 (2) A person who has two or more prior convictions for
94 violation of an injunction and who commits any third or
95 subsequent violation commits a felony of the third degree,
96 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
97 For purposes of this subsection, the term "conviction" means a
98 determination of guilt that is the result of a plea or a trial,
99 regardless of whether adjudication is withheld or a plea of nolo
100 contendere is entered.

101 Section 4. Subsection (4) of section 784.0487, Florida
102 Statutes, is amended to read:

103 784.0487 Violation of an injunction for protection against
104 stalking or cyberstalking.-

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

109 1.(a) Going to, or being within 500 feet of, the
110 petitioner's residence, school, place of employment, or a
111 specified place frequented regularly by the petitioner and any
112 named family members or individuals closely associated with the
113 petitioner;

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

650255

Approved For Filing: 4/28/2015 12:23:18 PM

Amendment No.

116 ~~3.(e)~~ Committing any other violation of the injunction
117 through an intentional unlawful threat, word, or act to do
118 violence to the petitioner;

119 ~~4.(d)~~ Telephoning, contacting, or otherwise communicating
120 with the petitioner, directly or indirectly, unless the
121 injunction specifically allows indirect contact through a third
122 party;

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

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

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

130
131 commits a misdemeanor of the first degree, punishable as
132 provided in s. 775.082 or s. 775.083, except as provided in
133 paragraph (b).

134 (b) A person who has two or more prior convictions for
135 violation of an injunction and who commits any third or
136 subsequent violation commits a felony of the third degree,
137 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
138 For purposes of this paragraph, the term "conviction" means a
139 determination of guilt that is the result of a plea or a trial,
140 regardless of whether adjudication is withheld or a plea of nolo
141 contendere is entered.

650255

Approved For Filing: 4/28/2015 12:23:18 PM

Amendment No.

142
143
144
145
146
147
148
149
150
151
152

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

Remove lines 106-107 of the amendment and insert:
An act relating to criminal justice; providing a short
title; amending ss. 741.31, 784.047, and 784.0487,
F.S.; providing enhanced criminal penalties for a
third or subsequent violation of an injunction for
protection against specified acts of violence or a
foreign protection order issued under specified
provisions; amending s. 775.15, F.S.; revising time

650255

Approved For Filing: 4/28/2015 12:23:18 PM