

1 A bill to be entitled
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 under specified
8 provisions; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (4) of section 741.31, Florida
13 Statutes, is amended to read:

14 741.31 Violation of an injunction for protection against
15 domestic violence.—

16 (4) (a) A person who willfully violates an injunction for
17 protection against domestic violence issued pursuant to s.
18 741.30, or a foreign protection order accorded full faith and
19 credit pursuant to s. 741.315, by:

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

21 2. Going to, or being within 500 feet of, the petitioner's
22 residence, school, place of employment, or a specified place
23 frequented regularly by the petitioner and any named family or
24 household member;

25 3. Committing an act of domestic violence against the
26 petitioner;

27 4. Committing any other violation of the injunction
 28 through an intentional unlawful threat, word, or act to do
 29 violence to the petitioner;

30 5. Telephoning, contacting, or otherwise communicating
 31 with the petitioner directly or indirectly, unless the
 32 injunction specifically allows indirect contact through a third
 33 party;

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

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

39 8. Refusing to surrender firearms or ammunition if ordered
 40 to do so by the court

41
 42 commits a misdemeanor of the first degree, punishable as
 43 provided in s. 775.082 or s. 775.083, except as provided in
 44 paragraph (c).

45 (b)1. It is a violation of s. 790.233, and a misdemeanor
 46 of the first degree, punishable as provided in s. 775.082 or s.
 47 775.083, for a person to violate a final injunction for
 48 protection against domestic violence by having in his or her
 49 care, custody, possession, or control any firearm or ammunition.

50 2. It is the intent of the Legislature that the
 51 disabilities regarding possession of firearms and ammunition are
 52 consistent with federal law. Accordingly, this paragraph shall

53 not apply to a state or local officer as defined in s.
54 943.10(14), holding an active certification, who receives or
55 possesses a firearm or ammunition for use in performing official
56 duties on behalf of the officer's employing agency, unless
57 otherwise prohibited by the employing agency.

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

66 Section 2. Section 784.047, Florida Statutes, is amended
67 to read:

68 784.047 Penalties for violating protective injunction
69 against violators.—

70 (1) A person who willfully violates an injunction for
71 protection against repeat violence, sexual violence, or dating
72 violence, issued pursuant to s. 784.046, or a foreign protection
73 order accorded full faith and credit pursuant to s. 741.315 by:

74 (a)~~(1)~~ Refusing to vacate the dwelling that the parties
75 share;

76 (b)~~(2)~~ Going to, or being within 500 feet of, the
77 petitioner's residence, school, place of employment, or a
78 specified place frequented regularly by the petitioner and any

79 | named family or household member;

80 | ~~(c)(3)~~ Committing an act of repeat violence, sexual
81 | violence, or dating violence against the petitioner;

82 | ~~(d)(4)~~ Committing any other violation of the injunction
83 | through an intentional unlawful threat, word, or act to do
84 | violence to the petitioner;

85 | ~~(e)(5)~~ Telephoning, contacting, or otherwise communicating
86 | with the petitioner directly or indirectly, unless the
87 | injunction specifically allows indirect contact through a third
88 | party;

89 | ~~(f)(6)~~ Knowingly and intentionally coming within 100 feet
90 | of the petitioner's motor vehicle, whether or not that vehicle
91 | is occupied;

92 | ~~(g)(7)~~ Defacing or destroying the petitioner's personal
93 | property, including the petitioner's motor vehicle; or

94 | ~~(h)(8)~~ Refusing to surrender firearms or ammunition if
95 | ordered to do so by the court,

96 |
97 | commits a misdemeanor of the first degree, punishable as
98 | provided in s. 775.082 or s. 775.083, except as provided in
99 | subsection (2).

100 | (2) A person who has two or more prior convictions for
101 | violation of an injunction and who commits any third or
102 | subsequent violation commits a felony of the third degree,
103 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
104 | For purposes of this subsection, the term "conviction" means a

105 determination of guilt that is the result of a plea or a trial,
 106 regardless of whether adjudication is withheld or a plea of nolo
 107 contendere is entered.

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

110 784.0487 Violation of an injunction for protection against
 111 stalking or cyberstalking.—

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

116 1.(a) Going to, or being within 500 feet of, the
 117 petitioner's residence, school, place of employment, or a
 118 specified place frequented regularly by the petitioner and any
 119 named family members or individuals closely associated with the
 120 petitioner;

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

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

126 4.(d) Telephoning, contacting, or otherwise communicating
 127 with the petitioner, directly or indirectly, unless the
 128 injunction specifically allows indirect contact through a third
 129 party;

130 5.(e) Knowingly and intentionally coming within 100 feet

131 of the petitioner's motor vehicle, whether or not that vehicle
 132 is occupied;

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

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

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138 commits a misdemeanor of the first degree, punishable as
 139 provided in s. 775.082 or s. 775.083, except as provided in
 140 paragraph (b).

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

149 Section 4. This act shall take effect October 1, 2015.