



528892

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on Criminal and Civil Justice
(Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 58 - 141

and insert:

violation of an injunction or foreign protection order and who
commits any third or subsequent violation of the same injunction
or foreign protection order commits a felony of the third
degree, punishable as provided in s. 775.082, s. 775.083, or s.
775.084. For purposes of this paragraph, the term "conviction"
means a determination of guilt which is the result of a plea or



528892

11 a trial, regardless of whether adjudication is withheld or a
12 plea of nolo contendere is entered.

13 Section 2. Section 784.047, Florida Statutes, is amended to
14 read:

15 784.047 Penalties for violating protective injunction
16 against violators.—

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

21 (a)~~(1)~~ Refusing to vacate the dwelling that the parties
22 share;

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

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

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

32 (e)~~(5)~~ Telephoning, contacting, or otherwise communicating
33 with the petitioner directly or indirectly, unless the
34 injunction specifically allows indirect contact through a third
35 party;

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

39 (g)~~(7)~~ Defacing or destroying the petitioner's personal



528892

40 property, including the petitioner's motor vehicle; or
41 (h)~~(8)~~ Refusing to surrender firearms or ammunition if
42 ordered to do so by the court,

43
44 commits a misdemeanor of the first degree, punishable as
45 provided in s. 775.082 or s. 775.083, except as provided in
46 subsection (2).

47 (2) A person who has two or more prior convictions for
48 violation of an injunction or foreign protection order and who
49 commits any third or subsequent violation of the same injunction
50 or foreign protection order commits a felony of the third
51 degree, punishable as provided in s. 775.082, s. 775.083, or s.
52 775.084. For purposes of this subsection, the term "conviction"
53 means a determination of guilt which is the result of a plea or
54 a trial, regardless of whether adjudication is withheld or a
55 plea of nolo contendere is entered.

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

58 784.0487 Violation of an injunction for protection against
59 stalking or cyberstalking.—

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

64 1.~~(a)~~ Going to, or being within 500 feet of, the
65 petitioner's residence, school, place of employment, or a
66 specified place frequented regularly by the petitioner and any
67 named family members or individuals closely associated with the
68 petitioner;



528892

69 ~~2.(b)~~ Committing an act of stalking against the petitioner;

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

73 ~~4.(d)~~ Telephoning, contacting, or otherwise communicating
74 with the petitioner, directly or indirectly, unless the
75 injunction specifically allows indirect contact through a third
76 party;

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

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

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

84
85 commits a misdemeanor of the first degree, punishable as
86 provided in s. 775.082 or s. 775.083, except as provided in
87 paragraph (b).

88 (b) A person who has two or more prior convictions for
89 violation of an injunction or foreign protection order and who
90 commits any third or subsequent violation of the same injunction
91 or foreign protection order commits a felony of the third
92 degree,

93
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete lines 5 - 6

97 and insert:



528892

98 for a third or subsequent violation of the same
99 injunction for protection against specified acts of
100 violence or the same