

By Senator Abruzzo

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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.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
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 through  
28   an intentional unlawful threat, word, or act to do violence to  
29   the petitioner;

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

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

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

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

40  
41 commits a misdemeanor of the first degree, punishable as  
42 provided in s. 775.082 or s. 775.083, except as provided in  
43 paragraph (c).

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

49 2. It is the intent of the Legislature that the  
50 disabilities regarding possession of firearms and ammunition are  
51 consistent with federal law. Accordingly, this paragraph shall  
52 not apply to a state or local officer as defined in s.  
53 943.10(14), holding an active certification, who receives or  
54 possesses a firearm or ammunition for use in performing official  
55 duties on behalf of the officer's employing agency, unless  
56 otherwise prohibited by the employing agency.

57 (c) A person who has two or more prior convictions for  
58 violation of an injunction and who commits any third or

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59 subsequent violation commits a felony of the third degree,  
60 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
61 For purposes of this paragraph, the term "conviction" means a  
62 determination of guilt that is the result of a plea or a trial,  
63 regardless of whether adjudication is withheld or a plea of nolo  
64 contendere is entered.

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

67 784.047 Penalties for violating protective injunction  
68 against violators.—

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

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

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

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

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

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

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

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

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

95

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

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

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

109        784.0487 Violation of an injunction for protection against  
110 stalking or cyberstalking.—

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

115        1.~~(a)~~ Going to, or being within 500 feet of, the  
116 petitioner's residence, school, place of employment, or a

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117 specified place frequented regularly by the petitioner and any  
118 named family members or individuals closely associated with the  
119 petitioner;

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

121 ~~3.(c)~~ Committing any other violation of the injunction  
122 through an intentional unlawful threat, word, or act to do  
123 violence to the petitioner;

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

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

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

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

135  
136 commits a misdemeanor of the first degree, punishable as  
137 provided in s. 775.082 or s. 775.083, except as provided in  
138 paragraph (b).

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

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146 contendere is entered.

147 Section 4. This act shall take effect October 1, 2016.