

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Rodríguez, J. offered the following:

4
 5 **Amendment (with title amendment)**

6 Between lines 148 and 149, insert:

7 Section 4. For the purpose of incorporating the amendment
 8 made by this act to section 741.31, Florida Statutes, in
 9 references thereto, subsection (9) of section 741.30, Florida
 10 Statutes, is reenacted to read:

11 741.30 Domestic violence; injunction; powers and duties of
 12 court and clerk; petition; notice and hearing; temporary
 13 injunction; issuance of injunction; statewide verification
 14 system; enforcement; public records exemption.—

15 (9) (a) The court may enforce a violation of an injunction
 16 for protection against domestic violence through a civil or
 17 criminal contempt proceeding, or the state attorney may

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18 prosecute it as a criminal violation under s. 741.31. The court
19 may enforce the respondent's compliance with the injunction
20 through any appropriate civil and criminal remedies, including,
21 but not limited to, a monetary assessment or a fine. The clerk
22 of the court shall collect and receive such assessments or
23 fines. On a monthly basis, the clerk shall transfer the moneys
24 collected pursuant to this paragraph to the State Treasury for
25 deposit in the Domestic Violence Trust Fund established in s.
26 741.01.

27 (b) If the respondent is arrested by a law enforcement
28 officer under s. 901.15(6) or for a violation of s. 741.31, the
29 respondent shall be held in custody until brought before the
30 court as expeditiously as possible for the purpose of enforcing
31 the injunction and for admittance to bail in accordance with
32 chapter 903 and the applicable rules of criminal procedure,
33 pending a hearing.

34 Section 5. For the purpose of incorporating the amendment
35 made by this act to sections 741.31, 784.047, and 784.0487,
36 Florida Statutes, in references thereto, subsection (2) of
37 section 741.315, Florida Statutes, is reenacted to read:

38 741.315 Recognition of foreign protection orders.—

39 (2) Pursuant to 18 U.S.C. s. 2265, an injunction for
40 protection against domestic violence issued by a court of a
41 foreign state must be accorded full faith and credit by the
42 courts of this state and enforced by a law enforcement agency as
43 if it were the order of a Florida court issued under s. 741.30,

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44 s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487,
45 and provided that the court had jurisdiction over the parties
46 and the matter and that reasonable notice and opportunity to be
47 heard was given to the person against whom the order is sought
48 sufficient to protect that person's right to due process. Ex
49 parte foreign injunctions for protection are not eligible for
50 enforcement under this section unless notice and opportunity to
51 be heard have been provided within the time required by the
52 foreign state or tribal law, and in any event within a
53 reasonable time after the order is issued, sufficient to protect
54 the respondent's due process rights.

55 Section 6. For the purpose of incorporating the amendment
56 made by this act to section 784.0487, Florida Statutes, in
57 references thereto, subsection (9) of section 784.0485, Florida
58 Statutes, is reenacted to read:

59 784.0485 Stalking; injunction; powers and duties of court
60 and clerk; petition; notice and hearing; temporary injunction;
61 issuance of injunction; statewide verification system;
62 enforcement.—

63 (9) (a) The court may enforce a violation of an injunction
64 for protection against stalking through a civil or criminal
65 contempt proceeding, or the state attorney may prosecute it as a
66 criminal violation under s. 784.0487. Any assessments or fines
67 ordered by the court enforcing such an injunction shall be
68 collected by the clerk of the court and transferred on a monthly

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69 basis to the State Treasury for deposit into the Domestic
70 Violence Trust Fund.

71 (b) If the respondent is arrested by a law enforcement
72 officer under s. 901.15(6) or for a violation of s. 784.0487,
73 the respondent shall be held in custody until brought before the
74 court as expeditiously as possible for the purpose of enforcing
75 the injunction and for admittance to bail in accordance with
76 chapter 903 and the applicable rules of criminal procedure,
77 pending a hearing.

78 Section 7. For the purpose of incorporating the amendment
79 made by this act to sections 741.31 and 784.047, Florida
80 Statutes, in references thereto, subsections (6) and (7) of
81 section 901.15, Florida Statutes, are reenacted to read:

82 901.15 When arrest by officer without warrant is lawful.—A
83 law enforcement officer may arrest a person without a warrant
84 when:

85 (6) There is probable cause to believe that the person has
86 committed a criminal act according to s. 790.233 or according to
87 s. 741.31 or s. 784.047 which violates an injunction for
88 protection entered pursuant to s. 741.30 or s. 784.046, or a
89 foreign protection order accorded full faith and credit pursuant
90 to s. 741.315, over the objection of the petitioner, if
91 necessary.

92 (7) There is probable cause to believe that the person has
93 committed an act of domestic violence, as defined in s. 741.28,
94 or dating violence, as provided in s. 784.046. The decision to

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95 arrest shall not require consent of the victim or consideration
96 of the relationship of the parties. It is the public policy of
97 this state to strongly discourage arrest and charges of both
98 parties for domestic violence or dating violence on each other
99 and to encourage training of law enforcement and prosecutors in
100 these areas. A law enforcement officer who acts in good faith
101 and exercises due care in making an arrest under this
102 subsection, under s. 741.31(4) or s. 784.047, or pursuant to a
103 foreign order of protection accorded full faith and credit
104 pursuant to s. 741.315, is immune from civil liability that
105 otherwise might result by reason of his or her action.

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107
108 **T I T L E A M E N D M E N T**

109 Remove line 8 and insert:

110 provisions; reenacting s. 741.30(9), F.S., relating to
111 injunctions for protection against domestic violence, to
112 incorporate the amendment made by the act to s. 741.31, F.S., in
113 references thereto; reenacting s. 741.315(2), F.S., relating to
114 recognition of foreign protection orders, to incorporate the
115 amendments made by the act to ss. 741.31, 784.047, and 784.0487,
116 F.S., in references thereto; reenacting s. 784.0485(9), F.S.,
117 relating to injunctions for protection against stalking, to
118 incorporate the amendment made by the act to s. 784.0487, F.S.,
119 in references thereto; reenacting s. 901.15(6) and (7), F.S.,
120 relating to when arrest by an officer without warrant is lawful,

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121 | to incorporate the amendment made by the act to ss. 741.31 and
122 | 784.047, F.S., in references thereto; providing an effective
123 | date.