

**8.19 VIOLATION OF AN INJUNCTION FOR PROTECTION AGAINST [REPEAT]
[SEXUAL] [DATING] VIOLENCE**
§ 784.047, Fla. Stat.

To prove the crime of Violation of an Injunction for Protection Against [Repeat] [Sexual] [Dating] Violence, the State must prove the following two elements beyond a reasonable doubt:

1. An injunction for protection against [repeat] [sexual] [dating] violence was issued by a court against (defendant) for the benefit of (victim).
2. (Defendant) willfully violated the injunction by (alleged violation* of section 784.047).

“Willfully” means knowingly, intentionally, and purposely.

If the allegation involves the defendant committing an act of repeat, sexual, or dating violence against the victim, give the appropriate definitions of “violence,” “repeat violence,” and/or “dating violence” from § 784.046(1), Fla. Stat., and the elements of any appropriate crime(s) supported by the evidence.

Give if applicable if the jury finds the defendant guilty of Violation of a [Repeat][Sexual][Dating] Violence Injunction. § 784.047(2), Fla. Stat.

Now that you have found the defendant guilty of Violation of a [Repeat] [Sexual] [Dating] Violence Injunction, you must further determine whether the State has proven beyond a reasonable doubt that the defendant was previously convicted two times or more of Violation of an Injunction against the same person.

“Conviction” means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

Lesser Included Offense

**VIOLATION OF REPEAT VIOLENCE, SEXUAL VIOLENCE, OR DATING VIOLENCE
INJUNCTION – 784.047**

CATEGORY ONE	CATEGORY TWO	FLA. STAT	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comments

*If more than one method of violating the injunction is alleged, the courts will likely require a unanimous verdict for each alternative. *Jacobs v. State*, 272 So. 3d 838 (Fla. 2d DCA 2019).

This instruction can be used for Violation of a [Repeat] [Sexual] [Dating] Violence Injunction based on prior convictions. For Felony Violation of a [Repeat] [Sexual] [Dating] Violence Injunction based on prior convictions, it is error to inform the jury of prior Violation of Injunction convictions until the verdict on the underlying Violation of a [Repeat] [Sexual] [Dating] Violence Injunction is rendered. Therefore, if the information or indictment contains an allegation of prior Violation of Injunction

convictions, do not read that allegation and do not send the information or indictment into the jury room. If the defendant is found guilty of Violation of a [Repeat] [Sexual] [Dating] Violence Injunction, the historical fact of prior convictions shall be determined separately by the jury in a bifurcated proceeding. *See State v. Harbaugh*, 754 So. 2d 691 (Fla. 2000).

This instruction was adopted in 2007 [965 So. 2d 811] and amended in 2016 [206 So. 3d 14], and on June 6, 2022.