

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 18, 1998 Revised: _____

Subject: Domestic Violence

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	Crosby	Whiddon	CF	Favorable/CS
2.	_____	_____	CJ	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for SB 1308 modifies the definition of “domestic violence” for the purpose of excluding a child to whom disciplinary action or corporal discipline has been applied unless such action results in harm to the child, as defined in s. 415.503(9)(a)4., F.S.

This bill substantially amends section 741.28, Florida Statutes.

II. Present Situation:

Presently, the term “domestic violence” is defined to mean “any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.” s. 741.28(1), F.S.

Section 415.503(9), F.S., defines the term “harm” for purposes of child abuse. Included in this definition is “inappropriate or excessively harsh disciplinary action that is likely to result in physical injury, mental injury as defined in this section, or emotional injury.” s. 415.503(9)(a)4., F.S. Corporal discipline may be considered excessive or abusive when it results in injuries including, but not limited to, sprains, dislocations, bone or skull fractures, brain or spinal cord damage, burns, cuts, permanent or temporary disfigurement, or permanent or temporary loss or impairment of a body part or function. s. 415.503(9)(a)4., F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 741.28(1), F.S., to modify the definition of “domestic violence.” The term will not include a child to whom “disciplinary action or corporal discipline” has been applied when no harm results from such discipline. Excessively harsh or inappropriate disciplinary action is specified in s. 415.503(9)(a)4., F.S.

Section 2 provides an effective date of July 1, 1998.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
