

By the Committees on Criminal Justice, Children, Families and Seniors and Senator Hargrett

307-1964A-98

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A bill to be entitled
An act relating to domestic violence; amending
s. 741.30, F.S.; providing that a child may not
obtain an injunction for protection against
domestic violence based on acts committed by a
family member unless such acts constitute harm
or child abuse or neglect; providing an
effective date.

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

Section 1. Paragraph (j) is added to subsection (1) of section 741.30, Florida Statutes, to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.--

(1) There is created a cause of action for an injunction for protection against domestic violence.

(j) A child on his or her own or through a parent or legal guardian may not obtain an injunction for protection against domestic violence based on acts committed by a family or household member against that child unless those acts are found by the court to constitute "harm" or "child abuse or neglect" as defined in s. 415.503. This paragraph does not apply to cases where the injunction for protection is granted to protect an adult petitioner who has included a child or children in that adult's petition for injunction for protection against domestic violence.

Section 2. This act shall take effect July 1, 1998.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for SB 1308

1. Deletes the provision amending the definition of domestic violence to expressly exclude administering action or corporal discipline to a child, unless it is excessively harsh or inappropriate and causes harm to a child.
2. Provides that a child, on his or her own or through a parent, may not obtain an injunction for protection against domestic violence based on acts committed by a family or household member against a child unless the acts are found by the court to constitute "harm" or "child abuse or neglect" as defined in s. 415.503, F.S.