

HB 1897

2004

1 A bill to be entitled
 2 An act relating to protective injunctions; amending s.
 3 784.046, F.S.; limiting the application of an evidentiary
 4 requirement with respect to injunctions for protection of
 5 minor children; providing an effective date.

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

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 9 Section 1. Paragraph (a) of subsection (4) of section
 10 784.046, Florida Statutes, is amended to read:

11 784.046 Action by victim of repeat violence, sexual
 12 violence, or dating violence for protective injunction; powers
 13 and duties of court and clerk of court; filing and form of
 14 petition; notice and hearing; temporary injunction; issuance;
 15 statewide verification system; enforcement.--

16 (4)(a) The sworn petition shall allege the incidents of
 17 repeat violence, sexual violence, or dating violence and shall
 18 include the specific facts and circumstances that form the basis
 19 upon which relief is sought. With respect to a minor child who
 20 is living at home, where the party against whom the protective
 21 injunction is sought is also a parent, stepparent or legal
 22 guardian of the minor child, the parent or legal guardian of the
 23 minor child seeking the protective injunction must have been an
 24 eyewitness to, or have direct physical evidence or affidavits
 25 from eyewitnesses of, the specific facts and circumstances which
 26 form the basis upon which relief is sought, or other evidence of
 27 those facts and circumstances having circumstantial guarantees
 28 of trustworthiness.

29 Section 2. This act shall take effect upon becoming a law.