HB 1667   2005
                                                                              CS

CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

2

3   **Council/Committee Substitute**

4   Remove the entire bill and insert:

5   A bill to be entitled

6   An act relating to protective injunctions; amending s.

7   784.046, F.S.; limiting the application of an evidentiary

8   requirement with respect to injunctions for protection of

9   minor children; providing an effective date.

10

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

12

13   Section 1. Paragraph (a) of subsection (4) of section

14 784.046, Florida Statutes, is amended to read:

15   784.046 Action by victim of repeat violence, sexual

16 violence, or dating violence for protective injunction; powers

17 and duties of court and clerk of court; filing and form of

18 petition; notice and hearing; temporary injunction; issuance;

19 statewide verification system; enforcement.--

20   (4)(a) The sworn petition shall allege the incidents of

21 repeat violence, sexual violence, or dating violence and shall

22 include the specific facts and circumstances that form the basis

23 upon which relief is sought. With respect to a minor child who

hb1667-01-c1

24 is living at home, the parent or legal guardian seeking the

25 protective injunction on behalf of the minor child must:

26   1. Have been an eyewitness to, or have direct physical

27 evidence or affidavits from eyewitnesses of, the specific facts

28 and circumstances that which form the basis upon which relief is

29 sought, if the party against whom the protective injunction is

30 sought is also a parent, stepparent, or legal guardian of the

31 minor child; or

32   2. Have reasonable cause to believe that the minor child

33 is a victim of repeat, sexual, or dating violence to form the

34 basis upon which relief is sought, if the party against whom the

35 protective injunction is sought is a person other than a parent,

36 stepparent, or legal guardian of the minor child.

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