

By Senator Aronberg

27-332-05

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A bill to be entitled

An act relating to protective injunctions;
amending s. 784.046, F.S.; limiting the
application of an evidentiary requirement with
respect to injunctions for protection of minor
children; providing an effective date.

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

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

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

(4)(a) The sworn petition shall allege the incidents
of repeat violence, sexual violence, or dating violence and
shall include the specific facts and circumstances that form
the basis upon which relief is sought. With respect to a minor
child who is living at home, if the party against whom the
protective injunction is sought is also a parent, stepparent,
or legal guardian of the minor child, the parent or legal
guardian of the minor child seeking the protective injunction
must have been an eyewitness to, or have direct physical
evidence or affidavits from eyewitnesses of, the specific
facts and circumstances ~~that which~~ form the basis upon which
relief is sought.

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

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SENATE SUMMARY

Requires that, if a parent or legal guardian files a petition for a protective injunction against another parent, stepparent, or legal guardian on behalf of a minor child living at home, the parent or legal guardian must have direct evidence of the facts and circumstances that form the basis for the petition.