Florida Senate - 2005

 $\mathbf{B}\mathbf{y}$ the Committee on Children and Families; and Senator Aronberg

586-1757-05 1 A bill to be entitled 2 An act relating to protective injunctions; amending s. 784.046, F.S.; providing standing 3 4 for a governmental employer to seek an 5 injunction for protection against repeat б violence on behalf of an employee; revising the 7 application of evidentiary requirements with 8 respect to injunctions for protection of minor 9 children; providing an effective date. 10 Be It Enacted by the Legislature of the State of Florida: 11 12 13 Section 1. Paragraph (a) of subsection (2) and paragraph (a) of subsection (4) of section 784.046, Florida 14 Statutes, are amended to read: 15 784.046 Action by victim of repeat violence, sexual 16 17 violence, or dating violence for protective injunction; powers 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 21 (2) There is created a cause of action for an 22 injunction for protection in cases of repeat violence, there 23 is created a separate cause of action for an injunction for protection in cases of dating violence, and there is created a 2.4 separate cause of action for an injunction for protection in 25 26 cases of sexual violence. 27 (a) Any person who is the victim of repeat violence or 2.8 the parent or legal guardian of any minor child who is living 29 at home and who seeks an injunction for protection against repeat violence on behalf of the minor child or any 30 governmental employer of any person who is the victim of 31 1

CODING: Words stricken are deletions; words underlined are additions.

repeat violence in a public workplace who seeks an injunction 1 2 for protection against repeat violence on behalf of the employee has standing in the circuit court to file a sworn 3 petition for an injunction for protection against repeat 4 5 violence. б (4)(a) The sworn petition shall allege the incidents 7 of repeat violence, sexual violence, or dating violence and shall include the specific facts and circumstances that form 8 the basis upon which relief is sought. With respect to a minor 9 10 child who is living at home, the parent or legal guardian seeking the protective injunction on behalf of the minor child 11 12 must: 13 1. Have been an eyewitness to, or have direct physical evidence or affidavits from eyewitnesses of, the specific 14 facts and circumstances which form the basis upon which relief 15 is sought, if the party against whom the protective injunction 16 17 is sought is also a parent, stepparent, or legal quardian of 18 the minor child; or 19 2. Have reasonable cause to believe that the minor child is a victim of repeat, sexual, or dating violence to 20 21 form the basis upon which relief is sought, if the party 22 against whom the protective injunction is sought is a person 23 other than a parent, stepparent, or legal guardian of the minor child. 2.4 Section 2. This act shall take effect upon becoming a 25 26 law. 27 28 29 30 31

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Florida Senate - 2005 586-1757-05

CS for SB 512

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	<u>Senate Bill 512</u>
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4 5	Provides standing for a governmental employer to seek an injunction for protection against repeat violence on behalf of an employee.
6 7	Clarifies that the restrictive evidentiary requirements of law with respect to injunctions for protection of minor children apply only when the person against whom the protective injunction is sought is a parent, stepparent, or legal guardian of the child.
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9	Provides that when a protective injunction is sought for a minor child on the basis that the child is a victim of repeat, sexual, or dating violence and the party against whom the protective injunction is sought is a person other than a parent, stepparent, or legal guardian of the child, the person seeking the protective injunction must have reasonable cause to believe that the minor child is a victim of repeat, sexual, or dating violence.
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