

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: CS/SB 1082

INTRODUCER: Committee on Agriculture and Senator Albritton

SUBJECT: Domestic Violence Injunctions

DATE: January 15, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1082 allows the court, if an immediate and present danger of domestic violence exists, to award a petitioner the exclusive care, possession, or control of household pets. It may order the respondent to temporarily have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or disposing of the animal.

This bill does not apply to animals owned primarily for a bona fide agricultural purpose or to a service animal if the respondent is the service animal's handler.

**II. Present Situation:**

A woman is battered every 15 seconds in the United States and each day an average of three victims will die at the hand of a current or former partner. In a one-year period in Florida, there were 187 deaths as a result of domestic violence, representing approximately 19 percent of all homicides in the state.<sup>1</sup>

Last year in the United States, over \$70 billion was spent on pets, which signifies the importance we place on our relationship with them. Unfortunately, domestic abusers often recognize this emotional attachment and exploit and manipulate the victim's relationship with their pets by

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<sup>1</sup> Florida Coalition Against Domestic Violence, "Darby Against Domestic Violence," See <https://www.fcadv.org/darby> (Last visited January 7, 2020).

causing or threatening harm to the pet.<sup>2</sup> The interconnection of domestic violence and animal abuse is documented through the American Humane Association, which reports that 71 percent of women entering emergency shelters reported that the abuser had injured, maimed, killed, or threatened family pets for revenge or to psychologically control victims. It also reports that between 25 percent and 40 percent of battered women delay leaving an abusive situation because they fear for the safety of their animals.<sup>3</sup>

The Florida Legislature has recognized that animal abuse is a serious concern in domestic violence situations, and has included a provision in the domestic violence injunction statute:

- In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:<sup>4</sup>
- Whether the respondent has intentionally injured or killed a family pet.<sup>5</sup>

Section 741.30(3)(b)h, F.S., indicates that the court may review alleged violence toward a family pet when considering whether the petitioner has a reasonable cause to believe he or she is in imminent danger of becoming a victim. Cruelty to animals is also prohibited by law. A person who commits animal cruelty can be found guilty of a first degree misdemeanor.<sup>6</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 741.30, F.S., to authorize a court to award a petitioner the temporary care, possession, or control of an animal in a domestic violence injunction. The court may order the respondent to temporarily have no contact with the animal and may prohibit the respondent to take, transfer, encumber, conceal harm, or dispose of the animal. This provision would not apply to an animal owned primarily for a bona fide agricultural purpose or to a service animal if the respondent is the service animal's handler.

The bill also corrects cross-references and makes technical changes.

**Section 2** provides that this act shall take effect July 1, 2020.

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<sup>2</sup> State Bar of Wisconsin, "A Barrier Removed: New Federal Legislation Addresses Pets of Abuse Victims," *See* <https://www.wisbar.org/NewsPublications/InsideTrack/Pages/Article.aspx?Volume=11&Issue=6&ArticleID=26927> (Last visited January 7, 2020).

<sup>3</sup> Florida Coalition Against Domestic Violence, "Darby Against Domestic Violence," *See* <https://www.fcadv.org/darby> (Last visited January 7, 2020).

<sup>4</sup> Section 741.30(6)(b), F.S.

<sup>5</sup> Section 741.30(6)(b)4., F.S.

<sup>6</sup> The Office of Court Improvement's Fact Sheet: Violence Toward Family Pets, (March 2017), *See* <https://www.flcourts.org/content/download/216158/1962894/13-Violence-Toward-Family-Pets-2017.pdf> (Last visited January 7, 2020).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The Florida Bar has not identified any fiscal impacts.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 741.30 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Agriculture on January 14, 2020:**

The committee substitute corrects an error that appears two places in the bill by changing the word “defendant” to the word “respondent.”

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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