

1987

Session Law 87-395

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law #	87-395	Sec. #	1	LOF cite	I, pt. 2, 2386-2388
Prime Bill #	CS/SB 999	Comp./Sim. Bills	CS/HB 545	1986	SB 103 HB 456
JLHC Hist. Cites	Senate 161 House 283	Comms. of Ref.	Senate JUDICIARY-CIVIL House CRIMINAL JUSTICE		

COMMITTEE RECORDS

H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	✓
S	Jud.-CIV	87	BILL FILE SB 999	18/1628	
			meeting FILE 5/12/87	18/1626	
H	CRIM. JUSTICE	87	BILL FILE HC 545	19/1729	
			meeting FILE sub-com Human Resources 4/14	19/1723	
			Full com. 4/27	"	
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Senate/House Journals

Page #	?	Date	Page #	?	Date

Committee/Floor Tapes

H/S	c/f	Committee/subcommittee name	Date	#	Location Cite
S	C	Jud.-CIV. (PROCEED # 207-207)	5/12/87	4	

Other Documentation

Record Series Title, folder title, etc.	Location Cite

Documentation List
Laws of Florida
1987
Chapter 87-395
“An Act Relating to Domestic Violence”

01. Laws of Florida, 1987, Chapter 87-395, in Vol. I, part 2, pp. 2386-2388.

1986 Session Documentation

02. Joint Legislative Management Committee. Division of Legislative Information. History of Legislation, 1986 Regular Session: SB 103 (p. 43) and HB 456 (pp. 264-265).
03. Senate Bill (SB) 103, (1986).
04. Senate. Committee on Health and Rehabilitative Services. Staff Analysis of Proposed Committee Substitute (PCS) SB 103, April 22, 1986.
05. Committee Substitute (CS) for SB 103, (1986).
06. Senate. Committee on Health and Rehabilitative Services. Vote Sheet for SB 103, April 24, 1986.
07. _____. Staff Analysis of CS/SB 103, April 25, 1986.
08. Committee Substitute for Committee Substitute (CS/CS) SB 103, 1986.
09. Senate. Committee on Judiciary-Civil. Staff Analysis of CS/CS/SB 103, May 15, 1986.
10. Journal of the Florida House of Representatives, June 4, 1986, pp. 791-793, re: amendments to CS/CS/SB 103.
11. House Bill (HB) 456, (1986).
12. House. Committee on Criminal Justice. Vote Sheet (with amendments attached) for HB 456, April 14, 1986.
13. CS/HB 456 (1986).
14. House. Committee on Criminal Justice, Sub-Committee on Crimes and Penalties. Vote Sheet for HB 456, April 9, 1986.

15. House. Committee on Criminal Justice. Staff Analysis of CS/HB 456, April 4, 1986, revised April 23, 1986.

1987 Session Documentation

16. Joint Legislative Management Committee. Division of Legislative Information. History of Legislation, 1987 Regular Session: SB 994 (p. 161) and HB 545 (p. 283).
17. SB 994 (1987).
18. Senate. Committee on Judiciary-Civil. Staff Analysis of SB 994, May 1, 1987.
19. _____. Vote Sheet (with amendments attached) for SB 994, May 12, 1987.
20. CS/SB 994 (1987).
21. Senate. Committee on Judiciary-Civil. Staff Analysis of CS/SB 994, May 14, 1987.
22. Journal of the Senate, State of Florida, June 3, 1987, p. 652 (re: amendment to CS/SB 994).
23. HB 545 (1987).
24. House. Committee on Criminal Justice. Staff Analysis of HB 545, April 13, 1987.
25. _____. Sub-Committee on Human Resources. Vote Sheet (with amendments attached) HB 545, April 14, 1987.
26. Proposed CS/HB 545 (1987).
27. House. Committee on Criminal Justice. Staff Analysis of Proposed CS/HB 545, April 20, 1987.
28. House. Committee on Criminal Justice. Vote Sheet for CS/HB 545, April 27, 1987.
29. CS/HB 545 (1987).

**GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
TENTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968**

**During the Regular Session
April 7, 1987 through June 6, 1987
and the Special Session
February 4, 1987**



Volume I, Part Two

Published by Authority of Law

Under Direction of the

**JOINT LEGISLATIVE MANAGEMENT
COMMITTEE**

TALLAHASSEE

1987

Professional Regulation, one member appointed by the Chancellor of the State University System, and one member appointed by the Executive Director of the Department of General Services. The Asbestos Oversight Program Team shall be responsible for asbestos policy development, regulatory review, asbestos training course approval, and coordination with regional asbestos project managers and building contact persons on policy and procedures.

Section 22. Sections 14 through 20 of this act are repealed on October 1, 1996, and shall be reviewed pursuant to the Regulatory Sunset Act, section 11.61, Florida Statutes.

Section 23. Section 21 of this act is repealed on October 1, 1996, and shall be reviewed pursuant to the Sundown Act, section 11.611, Florida Statutes.

Section 24. There is hereby appropriated from the General Revenue Fund to the Department of Labor and Employment Security 11 positions and \$515,979 in a lump sum to manage the program set forth in this act. An additional \$500,000 is appropriated from the General Revenue Fund to the Department of Labor and Employment Security for allocation to state agencies for asbestos building survey or operation and maintenance plan contracts. The Executive Office of the Governor is authorized to transfer the amounts required for asbestos building survey contracts to the contracting agency.

Section 25. There is hereby appropriated from the General Revenue Fund to the Department of Labor and Employment Security the amount of \$500,000 initially to institute abatement procedures for priority projects as determined by the secretary pursuant to section 3 of this act.

Section 26. This act shall take effect October 1, 1987.

Approved by the Governor July 14, 1987.

Filed in Office Secretary of State July 14, 1987.

CHAPTER 87-395

Committee Substitute for Senate Bill No. 994

An act relating to domestic violence; amending s. 741.30, F.S.; providing a cause of action for injunctive relief to any family member who is being victimized; redefining "domestic violence" by changing the definition of who constitutes a victim of such violence; conforming provisions relating to actions for protection against domestic violence; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1), paragraph (a) of subsection (2), and paragraph (b) of subsection (4) of section 741.30, Florida Statutes, 1986 Supplement, are amended, paragraphs (e) and (f) of subsection (2) of said section are redesignated as paragraphs (f) and (g), respectively, and a new paragraph (e) is added to said subsection, to read:

741.30 Action by--spouse for injunction for protection against domestic violence; powers and duties of court and clerk of court, filing and form of petition for injunction; notice and hearing; temporary injunction; issuance of injunction; enforcement.--

(1) As used in this section, the term:

(a) "Domestic violence" means any assault, battery, or sexual battery by a person against the person's spouse or against any other person related by blood or marriage to the petitioner or respondent, who is or was residing in the same single dwelling unit.

(2) There is created a cause of action for an injunction for protection against domestic violence.

(a) Any spouse, or any person described in paragraph (e), who is the victim of any act of domestic violence, or has reasonable cause to believe he or she is about to become the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

(e) This cause of action for an injunction may be sought between persons related by blood or marriage who are or were residing within a single dwelling unit. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

(4)

(b) The sworn petition shall be in substantially the following form:

PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner ...(Name)..., who has been sworn and says that the following statements are true:

(a) Petitioner resides at: ...(address)...

(b) Respondent resides at: ...(address)...

(c) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner who is or was residing within a single dwelling unit with the petitioner.

(d) The following describes any other cause of action currently pending between the petitioner and respondent:

(e) Petitioner has suffered or has reasonable cause to fear domestic violence because respondent has:

(f) Petitioner alleges the following additional specific facts: (mark appropriate sections)

...Petitioner is the custodian of a minor child or children whose names and ages are as follows:

...Petitioner needs the exclusive use and possession of the dwelling that the parties share.

...Petitioner is unable to obtain safe alternative housing because:

...Petitioner genuinely fears that respondent will abuse, remove, or hide the minor child or children from petitioner because:

(g) Petitioner genuinely fears domestic violence by respondent.

(h) Petitioner seeks an injunction: (mark appropriate section or sections)

...Immediately restraining the respondent from committing any acts of domestic violence.

...Restraining the respondent from committing any acts of domestic violence.

...Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

...Awarding temporary custody of, or temporary visitation rights with regard to, the minor child or children of the parties.

...Establishing temporary support for the minor child or children of the petitioner.

...Directing the respondent to participate in treatment or counseling services.

...Providing any terms the court deems necessary for the protection of a victim of domestic violence, including any injunctions or directives to law enforcement agencies.

Section 2. This act shall take effect October 1, 1987.

Approved by the Governor July 14, 1987.

Filed in Office Secretary of State July 14, 1987.

CHAPTER 87-396

Committee Substitute for Senate Bill No. 1013

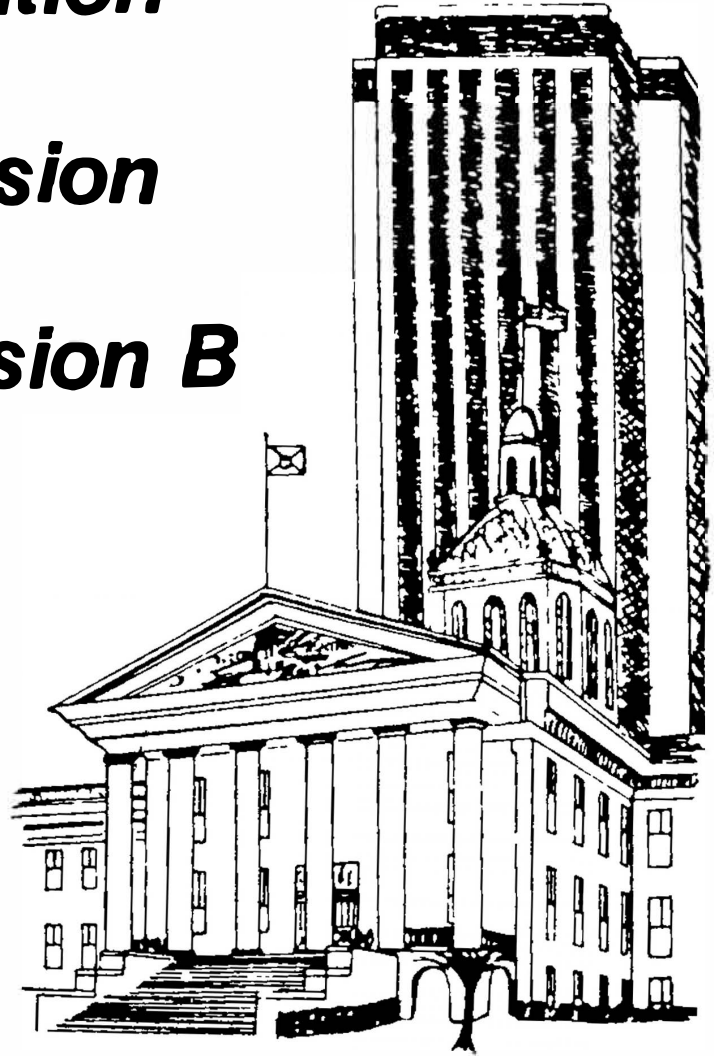
An act relating to long-term care; amending s. 400.304, F.S.; revising language with respect to the composition of the State Nursing Home and Long-Term Care Facility Ombudsman Council; amending s. 400.307, F.S.; revising language with respect to district nursing home and long-term care ombudsman councils; providing an effective date.

FLORIDA LEGISLATURE

History of Legislation

1986 Regular Session

1986 Special Session B



prepared by:

Joint Legislative Management Committee

Legislative Information Division

Capitol Building, Room 826 – 488-4371

HISTORY OF SENATE BILLS

S 100 GENERAL BILL by Meek and others (Identical H 193, Compare CS/H 1273, CS/ENG/S 1030)

Low-Income Housing Support Program, creates training & technical support program within Community Affairs Dept for low-income housing development & rehabilitation by community-based organizations, etc Effective Date 07/01/86, or upon becoming law, whichever occurs later
 12/04/85 SENATE Prefiled
 12/16/85 SENATE Referred to Economic, Community and Consumer Affairs, Appropriations
 04/08/86 SENATE Introduced, referred to Economic, Community and Consumer Affairs, Appropriations -SJ 14
 04/21/86 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
 04/23/86 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
 05/01/86 SENATE Withdrawn from Economic, Community and Consumer Affairs, Appropriations, Indefinitely postponed, Iden/Sim / Compare Bill passed, refer to CS/SB 1030 (Ch 86-192) -SJ 193

S 101 GENERAL BILL/CS/ENG by Judiciary-Criminal; Meek; Kiser and others (Similar CS/H 93, CS/CS/H 429, Compare S 288, CS/ENG/S 705)

Ether/Regulation Criteria, (THIS BILL COMBINED IN CS/S 101,288) provides for certain powers of H R S Dept , requires license or permit to manufacture, distribute, deal in or purchase ether, prohibits possession without license or permit, requires reports re theft, illegal use or possession, prohibits possession in or near residential housing, makes it a violation to sell, deliver or give certain chemicals to a minor, etc Amends Ch 499 Appropriation Effective Date. 10/01/86
 12/04/85 SENATE Prefiled
 12/16/85 SENATE Referred to Judiciary-Criminal, Commerce, Appropriations
 04/05/86 SENATE Introduced, referred to Judiciary-Criminal, Commerce, Appropriations -SJ 14
 04/15/86 SENATE On Committee agenda—Judiciary-Criminal, 04/17/86, 9 30 am, Room-C
 04/17/86 SENATE CS combines this bill and 288; Combined CS additional referencs) Finance, Taxation and Claims, Comm Report: CS by Judiciary-Criminal -SJ 121
 04/21/86 SENATE CS read first time -SJ 130; Now in Commerce -SJ 121
 05/01/86 SENATE On Committee agenda—Commerce, 05/05/86, 2 00 pm, Room-A
 05/05/86 SENATE Comm Report. Favorable with 2 amendment(s) by Commerce -SJ 216
 05/06/86 SENATE Now in Finance, Taxation and Claims -SJ 216
 05/21/86 SENATE Withdrawn from Finance, Taxation and Claims -SJ 373; Now in Appropriations
 06/02/86 SENATE On Committee agenda—Appropriations, Upon adjournment, 06/02/86, Room-A -SJ 560, Comm Report. Favorable by Appropriations, placed on Calendar -SJ 564
 06/06/86 SENATE Placed on Special Order Calendar -SJ 769, CS passed as amended, YEAS 36 NAYS 0 -SJ 796
 06/06/86 HOUSE In Messages, Received, placed on Calendar, Substituted for CS/CS/HB's 429&CS/H93, Read second time; Read third time, CS passed, YEAS 102 NAYS 0 -HJ 1114
 06/06/86 Ordered enrolled -SJ 1249
 06/16/86 Signed by Officers and presented to Governor
 06/24/86 Approved by Governor, Chapter No 86-133

S 102 GENERAL BILL by Meek and others (Similar H 166)

Educational Alternatives/FAU, establishes Institute for Development of Educational Alternatives at Florida Atlantic University; prescribes purpose & duties of institute, provides for staff, training of employees of certain school districts, development of objectives, & monitoring of institute by Education Dept.; provides for an advisory committee Appropriation \$245,033 Effective Date: Upon becoming law
 12/04/85 SENATE Prefiled
 12/16/85 SENATE Referred to Education; Appropriations
 04/08/86 SENATE Introduced, referred to Education, Appropriations -SJ 14
 04/21/86 SENATE Extension of time granted Committee Education
 05/05/86 SENATE Extension of time granted Committee Education
 05/19/86 SENATE Extension of time granted Committee Education
 05/26/86 SENATE Extension of time granted Committee Education
 06/07/86 SENATE Died in Committee on Education

S 103 GENERAL BILL/CS/CS by Judiciary-Civil, Health and Rehabilitative Services, Fox (Similar CS/H 456)

Domestic Violence/Meaning Changed, redefines "domestic violence" by changing definition of what constitutes such violence, conforms provisions re actions for protection against domestic violence, specifies that certain particulars be in police report of alleged incident of domestic violence, etc Amends 415 601, 602, 741 29, 30 Effective Date 10/01/86
 12/04/85 SENATE Prefiled
 12/16/85 SENATE Referred to Health and Rehabilitative Services, Judiciary-Civil
 04/08/86 SENATE Introduced, referred to Health and Rehabilitative Services, Judiciary-Civil -SJ 14

S 103 (CONTINUED)

04/22/86 SENATE Extension of time granted Committee Health and Rehabilitative Services, On Committee agenda—Health and Rehabilitative Services, 04/24/86, 9:00 am, Room-A
 04/24/86 SENATE Comm Report CS by Health and Rehabilitative Services -SJ 159
 04/28/86 SENATE CS read first time -SJ 169, Now in Judiciary-Civil -SJ 159
 05/09/86 SENATE On Committee agenda—Judiciary-Civil, 05/13/86, 1 00 pm, Room-A
 05/13/86 SENATE Comm Report CS/CS by Judiciary-Civil, placed on Calendar -SJ 313
 05/19/86 SENATE CS read first time -SJ 314
 06/02/86 SENATE Placed on Special Order Calendar -SJ 532
 06/03/86 SENATE Placed on Special Order Calendar -SJ 00560 -SJ 564, CS passed, YEAS 35 NAYS 0 -SJ 576
 06/03/86 HOUSE In Messages
 06/04/86 HOUSE Received, placed on Calendar, Read second time, Amendments adopted, Read third time, CS passed as amended, YEAS 99 NAYS 11 -HJ 793
 06/04/86 SENATE In Messages
 06/05/86 SENATE Refused to concur, requested House to recede -SJ 664
 06/05/86 HOUSE In Messages
 06/06/86 HOUSE Refused to recede, requests Senate concur/appoint Conference Comm -HJ 1041
 06/06/86 SENATE In Messages, Refused to concur, requested House to recede -SJ 810
 06/06/86 HOUSE In Messages
 06/07/86 HOUSE Died in Messages

S 104 GENERAL BILL by Vogt

Children/Permanent Care Commitment, provides that social services agency or guardian ad litem may submit an intent to file petition for permanent commitment in lieu of performance agreement within 30 days of placement, requires filing of petition for permanent commitment or submission of performance agreement within specified time frames Amends 409 168 Effective Date Upon becoming law
 12/05/85 SENATE Prefiled
 12/16/85 SENATE Referred to Health and Rehabilitative Services
 04/08/86 SENATE Introduced, referred to Health and Rehabilitative Services -SJ 14
 04/22/86 SENATE Extension of time granted Committee Health and Rehabilitative Services
 05/05/86 SENATE Extension of time granted Committee Health and Rehabilitative Services
 05/16/86 SENATE Extension of time granted Committee Health and Rehabilitative Services
 05/27/86 SENATE Extension of time granted Committee Health and Rehabilitative Services
 06/07/86 SENATE Died in Committee on Health and Rehabilitative Services

S 105 GENERAL BILL/CS/CS by Appropriations; Transportation; Vogt (Similar H 60, CS/CS/ENG/H 175)

Motor Vehicle Safety Equipment, authorizes D O T to issue special permits for semitrailers for overwidth deliveries of manufactured buildings, authorizes H S M V to prepare affidavit of compliance forms re certain traffic violations, provides \$25 fine for certain violations, provides points for operating certain motor vehicles in unsafe condition, provides procedure for disposition of fines, etc Amends 316.515, 650, 318 18, 322 27, creates 316 6105 Effective Date 10/01/86
 12/05/85 SENATE Prefiled
 12/16/85 SENATE Referred to Transportation, Appropriations
 12/19/85 SENATE On Committee agenda—Transportation, 01/08/86, 9 00 am , Room-C
 01/08/86 SENATE Comm Report: CS by Transportation, Now in Appropriations
 04/08/86 SENATE Introduced, referred to Transportation, Appropriations -SJ 15, Comm Report CS by Transportation -SJ 48, CS read first time -SJ 82, Now in Appropriations -SJ 48
 05/06/86 SENATE Extension of time granted Committee Appropriations
 05/21/86 SENATE Extension of time granted Committee Appropriations
 05/23/86 SENATE On Committee agenda—Appropriations, 05/27/86, 2.00 pm, Room-A
 05/27/86 SENATE Comm Report CS/CS by Appropriations, placed on Calendar -SJ 470
 05/29/86 SENATE CS read first time -SJ 471
 06/05/86 SENATE Placed on Special Order Calendar -SJ 657, Iden /Sim House Bill substituted, Laid on table under Rule, Iden / Sim /Compare Bill passed, refer to CS/CS/HB 175 (Ch 86-260) -SJ 707

S 106 GENERAL BILL by Meek and others (Identical H 247, Compare ENG/S 272)

Intercollegiate Athletics Funding, creates Fla Intercollegiate Athletics Supplemental Funding Program, requires Board of Regents to administer program, authorizes distribution of funds to certain state universities to be used in strengthening intercollegiate athletics Creates 240 535 Appropriation \$1,000,000. Effective Date 07/01/86
 12/05/85 SENATE Prefiled

HISTORY OF HOUSE BILLS

- H 450 GENERAL BILL/CS** by Governmental Operations, Hargrett (Similar CS/S 380, Compare S 680)
Discriminatory Practices/Records, provides for confidentiality of complaints & records re certain discriminatory practices filed with certain state & local governmental agencies, provides for removal of confidentiality, provides for access to such records, provides for review & repeal Amends 119 07 Effective Date 05/21/86
- 02/20/86 HOUSE Prefiled
02/27/86 HOUSE Referred to Governmental Operations
04/08/86 HOUSE Introduced, referred to Governmental Operations -HJ 50
04/09/86 HOUSE On Committee agenda—Governmental Operations, 04/14/86, 3 30 pm, 413C
- 04/14/86 HOUSE Preliminary Committee Action by Governmental Operations Favorable, as a Committee Substitute, to Calendar
04/22/86 HOUSE Comm Report. CS by Governmental Operations, placed on Calendar -HJ 180
- 05/05/86 HOUSE Placed on Special Order Calendar
05/06/86 HOUSE CS read first and second times -HJ 262
05/07/86 HOUSE Read third time, CS passed, YEAS 116 NAYS 0 -HJ 276
05/08/86 HOUSE Immediately certified -HJ 287
05/08/86 SENATE In Messages, Received, referred to Governmental Operations -SJ 220, Immediately withdrawn from Governmental Operations, Substituted for CS/SB 380, CS passed, YEAS 30 NAYS 5 -SJ 238
- 05/13/86 Ordered enrolled
05/14/86 Signed by Officers and presented to Governor -HJ 415
05/21/86 Approved by Governor, Chapter No 86-21 -HJ 488
- H 451 GENERAL BILL** by Hargrett (Identical S 1110)
Jurors/Capital Felony Cases, prohibits exclusion of certain persons from service on juries in capital felony cases, provides that such persons shall be excluded from participating in sentencing phase of trial, provides that provisions only apply to juries empaneled after certain date Amends 913 13 Effective Date Upon becoming law
- 02/20/86 HOUSE Prefiled
02/27/86 HOUSE Referred to Criminal Justice
04/08/86 HOUSE Introduced, referred to Criminal Justice -HJ 50
04/29/86 HOUSE On Committee agenda—Criminal Justice, 04/30/86, 8:00 am, 314 HOB
- 04/30/86 HOUSE Preliminary Committee Action by Criminal Justice Unfavorable, Comm Report Unfavorable by Criminal Justice, laid on table under Rule -HJ 221
- H 452 GENERAL BILL** by Allen (Identical S 253, Compare ENG/H 219)
Elections/Candidate Withdrawal, changes time by which candidate must notify election supervisor or Department of State of his withdrawal from election in order not to have his name printed on ballot Amends 101.253, Effective Date Upon becoming law
- 02/20/86 HOUSE Prefiled
02/27/86 HOUSE Referred to Ethics & Elections
04/08/86 HOUSE Introduced, referred to Ethics & Elections -HJ 50
04/11/86 HOUSE Subreferred to Subcommittee on Elections, On subcommittee agenda—Ethics & Elections, 04/15/86, 3 30 pm, 212 HOB
- 04/15/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable
04/18/86 HOUSE On Committee agenda—Ethics & Elections, 04/22/86, 3 30 pm, 212 HOB
04/22/86 HOUSE Preliminary Committee Action by Ethics & Elections Favorable, to Calendar
04/24/86 HOUSE Comm Report. Favorable by Ethics & Elections, placed on Calendar -HJ 187
06/07/86 HOUSE Died on Calendar, Iden /Sim /Compare Bill passed, refer to HB 219 (Ch 86-199)
- H 453 GENERAL BILL** by Silver (Identical S 612, Compare H 42, H 880)
Occupational License Tax, revises rate & distribution of additional occupational license tax to exclude use of tax for symphony orchestra Amends 205.033 Effective Date 10/01/86
- 02/20/86 HOUSE Prefiled
02/27/86 HOUSE Referred to Community Affairs; Finance & Taxation, Appropriations
04/08/86 HOUSE Introduced, referred to Community Affairs, Finance & Taxation, Appropriations -HJ 50
04/18/86 HOUSE On subcommittee agenda—Community Affairs, 04/22/86, 1 15 pm, 314 HOB
04/22/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, On Committee agenda, pending subcommittee action—Community Affairs, 04/23/86, 3 30 pm, 314 HOB
04/23/86 HOUSE Preliminary Committee Action by Community Affairs Favorable
04/24/86 HOUSE Comm Report Favorable by Community Affairs -HJ 187, Now in Finance & Taxation
05/02/86 HOUSE On Committee agenda—Finance & Taxation, 05/06/86, 3 30 pm, Morris Hall
- H 453 (CONTINUED)**
- 05/06/86 HOUSE Preliminary Committee Action by Finance & Taxation Favorable
05/07/86 HOUSE Comm Report Favorable by Finance & Taxation -HJ 284, Now in Appropriations
05/08/86 HOUSE Withdrawn from Appropriations -HJ 299, Placed on Calendar
05/27/86 HOUSE Placed on Special Order Calendar
05/29/86 HOUSE Read second time -HJ 589
05/30/86 HOUSE Read third time, Passed, YEAS 50 NAYS 46 -HJ 627
05/30/86 SENATE In Messages
06/03/86 SENATE Received, referred to Economic, Community and Consumer Affairs, Finance, Taxation and Claims -SJ 565
06/06/86 SENATE Withdrawn from Economic, Community and Consumer Affairs, Finance, Taxation and Claims, Substituted for SB 612, Passed, YEAS 22 NAYS 7 -SJ 884
- 06/06/86 Ordered enrolled
06/27/86 Signed by Officers and presented to Governor
07/13/86 Became Law without Governor's Signature, Chapter No 86-298
- H 454 GENERAL BILL** by Press and others (Similar CS/ENG/S 58)
Credit Card/Surcharge, prohibits seller or lessor from imposing a surcharge for use of credit card in certain transactions, etc Effective Date 10/01/86
- 02/20/86 HOUSE Prefiled
02/27/86 HOUSE Referred to Commerce, Appropriations
02/28/86 HOUSE Subreferred to Subcommittee on Banking and Finance
04/08/86 HOUSE Introduced, referred to Commerce, Appropriations -HJ 50, Subreferred to Subcommittee on Banking and Finance, On Committee agenda—Commerce, 04/10/86, 10 00 am, 317C —for ratification of referral to subcommittee
- 04/18/86 HOUSE On subcommittee agenda—Commerce, 04/22/86, 1 15 pm, 317 HOB
04/22/86 HOUSE Subcommittee Recommendation Failed
04/28/86 HOUSE On Committee agenda—Commerce, 04/30/86, 3 30 pm, 317C—For ratification of subcommittee report
06/07/86 HOUSE Died in Committee on Commerce
- H 455 GENERAL BILL** by Figg (Compare CS/ENG/S 183)
Dentistry/Laboratory Services, redefines term "general supervision", prohibits registered dental laboratories from performing certain dental services, authorizes such laboratories to assist dentists in certain procedures, creates provision re persons engaged in constructing or repairing prosthetic dentures, bridges, or other dental appliances, provides for review & repeal Amends 466.003, 021, creates 466 040 Effective Date 10/01/86
- 02/20/86 HOUSE Prefiled
02/27/86 HOUSE Referred to Regulatory Reform, Appropriations
04/08/86 HOUSE Introduced, referred to Regulatory Reform, Appropriations -HJ 50
04/18/86 HOUSE On subcommittee agenda—Regulatory Reform, 04/22/86, 1.15 pm, Morris Hall
04/22/86 HOUSE Subcommittee Recommendation Unfavorable, motion to reconsider pending, On Committee agenda, pending subcommittee action—Regulatory Reform, 04/22/86, 5 30 pm, Morris Hall
04/25/86 HOUSE On subcommittee agenda—Regulatory Reform, 04/29/86, 1 15 pm, Morris Hall
04/29/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, with 1 amendment
06/07/86 HOUSE Died in Committee on Regulatory Reform
- H 456 GENERAL BILL/CS** by Criminal Justice; Gordon (Similar CS/CS/S 103)
Domestic Violence/Meaning Changed, redefines "domestic violence" by changing definition of what constitutes such violence & who constitutes a victim of such violence, defines term "cohabitating", conforms provisions re actions for protection against domestic violence, specifies that certain particulars be in police report of alleged incident of domestic violence, etc Amends 415 601, 602, 741 29, 30 Effective Date 10/01/86.
- 02/20/86 HOUSE Prefiled
02/27/86 HOUSE Referred to Criminal Justice, Appropriations
04/03/86 HOUSE Subreferred to Subcommittee on Crimes and Penalties
04/08/86 HOUSE Introduced, referred to Criminal Justice, Appropriations -HJ 50, Subreferred to Subcommittee on Crimes and Penalties, On subcommittee agenda—Criminal Justice, 04/09/86, 3 30 pm, 314 HOB
04/10/86 HOUSE On Committee agenda—Criminal Justice, 04/14/86, 1 15 pm, 314 HOB
04/14/86 HOUSE Preliminary Committee Action by Criminal Justice Favorable, as a Committee Substitute
04/28/86 HOUSE Comm Report CS by Criminal Justice -HJ 197, Now in Appropriations
05/01/86 HOUSE Withdrawn from Appropriations -HJ 234, Placed on Calendar
05/29/86 HOUSE Placed on Special Order Calendar
06/02/86 HOUSE CS read first and second times -HJ 694
06/03/86 HOUSE Read third time, CS passed, YEAS 95 NAYS 8 -HJ 746

HISTORY OF HOUSE BILLS

- H 456 (CONTINUED)**
 06/03/86 SENATE In Messages
 06/04/86 SENATE Received, referred to Health and Rehabilitative Services, Judiciary-Civil -SJ 622
 06/07/86 SENATE Died in Committee on Health and Rehabilitative Services
- H 457**
 02/25/86 HOUSE Withdrawn -HJ 50
- H 458 GENERAL BILL by Locke (Identical S 995)**
Retirement/Enrollment Period, provides for additional optional period of enrollment in FRS for certain officers or employees of other retirement systems Amends 121 051 Effective Date: 07/01/86.
 02/20/86 HOUSE Prefiled
 02/27/86 HOUSE Referred to Retirement, Personnel & Collective Bargaining, Appropriations
 04/08/86 HOUSE Introduced, referred to Retirement, Personnel & Collective Bargaining; Appropriations -HJ 51
 04/14/86 HOUSE On subcommittee agenda—Retirement, Personnel & Collective Bargaining, 04/16/86, upon adjournment of full committee, 317 HOB—Temporarily passed
 06/07/86 HOUSE Died in Committee on Retirement, Personnel & Collective Bargaining
- H 459 GENERAL BILL by Hill and others**
Yacht & Shipbrokers, provides definitions; provides for rule making, administration, & registration, provides for suspension or revocation of registration; provides for fees & for review & repeal. Effective Date: 10/01/86
 02/20/86 HOUSE Prefiled
 02/27/86 HOUSE Referred to Regulatory Reform, Appropriations
 04/07/86 HOUSE Subreferred to Subcommittee on Business Regulation
 04/08/86 HOUSE Introduced, referred to Regulatory Reform, Appropriations -HJ 51, Subreferred to Subcommittee on Business Regulation
 06/07/86 HOUSE Died in Committee on Regulatory Reform
- H 460 GENERAL BILL by Grindle and others (Similar CS/CS/S 294, Compare H 7, H 128, CS/H 220, H 842, H 8-B, S 36, CS/S 126, S 154, S 251, S 647, S 662)**
DUI or DWI/Driver's License; provides for revocation or nonissuance of drivers' licenses for persons under specified ages who have been found guilty of certain alcohol or drug-related offenses; authorizes restricted driving privileges, provides felony penalties for 4th or subsequent DUI or DWI conviction, requires substance abuse course for issuance of driver's license to person who has certain previous convictions, etc Amends Chs 39, 316, 322, creates 322.055 Effective Date: 10/01/86
 02/20/86 HOUSE Prefiled
 02/27/86 HOUSE Referred to Criminal Justice, Appropriations
 04/08/86 HOUSE Introduced, referred to Criminal Justice, Appropriations -HJ 51
 04/17/86 HOUSE On Committee agenda—Criminal Justice, 04/21/86, 1:15 pm, 314 HOB—Workshop
 06/07/86 HOUSE Died in Committee on Criminal Justice, Iden/Sim / Compare bill passed, refer to HB 8-B (Ch. 86-296)
- H 461 LOCAL BILL by Shackelford**
Ellenton Fire Control District; (Manatee Co.) increases Ellenton Fire Control District rates in schedule of special assessment. Effective Date 07/13/86
 02/20/86 HOUSE Prefiled
 02/27/86 HOUSE Referred to Community Affairs; Finance & Taxation
 04/08/86 HOUSE Introduced, referred to Community Affairs, Finance & Taxation -HJ 51
 04/14/86 HOUSE On Committee agenda—Community Affairs, 04/16/86, 3:30 pm, 314 HOB
 04/16/86 HOUSE Preliminary Committee Action by Community Affairs: Favorable
 04/17/86 HOUSE Comm Report: Favorable by Community Affairs -HJ 159; Now in Finance & Taxation
 04/28/86 HOUSE Withdrawn from Finance & Taxation -HJ 195, Placed on Calendar
 05/14/86 HOUSE Placed on Local Calendar; Read second and third times; Passed, YEAS 119 NAYS 0 -HJ 393, Immediately certified
 05/14/86 SENATE In Messages
 06/02/86 SENATE Received, referred to Rules and Calendar -SJ 535
 06/05/86 SENATE Considered by Rules and Calendar, placed on Local Calendar -SJ 00618 -SJ 657, Passed; YEAS 40 NAYS 0 -SJ 664
 06/05/86 Ordered enrolled
 06/27/86 Signed by Officers and presented to Governor
 07/13/86 Became Law without Governor's Signature, Chapter No 86-383
- H 462 GENERAL BILL/CS by Judiciary; Dudley (Similar CS/ENG/S 536)**
Probate/Estate Claims Protection, provides for protection & preservation of un-matured & contingent claims on an estate. Amends 733 705 Effective Date 10/01/86
 02/21/86 HOUSE Prefiled
 02/27/86 HOUSE Referred to Judiciary; Appropriations
 04/08/86 HOUSE Introduced, referred to Judiciary, Appropriations -HJ 51
- H 462 (CONTINUED)**
 04/25/86 HOUSE Subreferred to Subcommittee on Consumer, Probate and Family Law, On subcommittee agenda—Judiciary, 04/29/86, 1:15 pm, 212 HOB
 04/29/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, with amendment(s)
 05/05/86 HOUSE On Committee agenda—Judiciary, 05/07/86, 3:30 pm, 214C
 05/07/86 HOUSE Preliminary Committee Action by Judiciary: Favorable, as a Committee Substitute
 05/12/86 HOUSE Comm. Report: CS by Judiciary -HJ 351; Now in Appropriations
 05/22/86 HOUSE Withdrawn from Appropriations -HJ 500; Placed on Calendar
 06/02/86 HOUSE Placed on Special Order Calendar
 06/04/86 HOUSE Iden/Sim Senate Bill substituted, Laid on table under Rules, Iden/Sim /Compare Bill passed, refer to CS/SB 536 (Ch 86-249) -HJ 901
- H 463 GENERAL BILL by Press (Compare CS/H 220, CS/CS/S 294)**
DUI/DWI/Drivers' License Suspension, provides minimum mandatory terms of imprisonment for certain persons who unlawfully operate a motor vehicle while their license is suspended or revoked for DUI/DWI violations Amends 322 34 Effective Date 10/01/86
 02/21/86 HOUSE Prefiled
 02/27/86 HOUSE Referred to Criminal Justice, Appropriations
 04/08/86 HOUSE Introduced, referred to Criminal Justice, Appropriations -HJ 51
 04/17/86 HOUSE On Committee agenda—Criminal Justice, 04/21/86, 1:15 pm, 314 HOB—Workshop
 06/07/86 HOUSE Died in Committee on Criminal Justice
- H 464 GENERAL BILL by Press and others**
DUI or DWI Repeat Offenses/Jail Time, removes restrictions upon penalties & driver's license revocations for repeat DUI/DWI offenses. Amends 316 193, 322 28. Effective Date: 10/01/86.
 02/21/86 HOUSE Prefiled
 02/27/86 HOUSE Referred to Criminal Justice; Appropriations
 04/08/86 HOUSE Introduced, referred to Criminal Justice, Appropriations -HJ 51
 04/17/86 HOUSE On Committee agenda—Criminal Justice, 04/21/86, 1:15 pm, 314 HOB—Workshop
 06/07/86 HOUSE Died in Committee on Criminal Justice
- H 465 GENERAL BILL/CS/ENG by Criminal Justice; Hanson (Compare CS/ENG/S 60)**
Trespass & Larceny/Utility Fixtures includes political subdivisions within term "utility" for purposes of provisions prohibiting trespass & larceny re utility or cable TV fixtures. Amends 812.14 Effective Date 10/01/86
 02/21/86 HOUSE Prefiled
 02/27/86 HOUSE Referred to Criminal Justice, Appropriations
 04/03/86 HOUSE Subreferred to Subcommittee on Crimes and Penalties
 04/08/86 HOUSE Introduced, referred to Criminal Justice, Appropriations -HJ 51, Subreferred to Subcommittee on Crimes and Penalties, On subcommittee agenda—Criminal Justice, 04/09/86, 3:30 pm, 314 HOB
 04/10/86 HOUSE On Committee agenda—Criminal Justice, 04/14/86, 1:15 pm, 314 HOB
 04/14/86 HOUSE Preliminary Committee Action by Criminal Justice: Favorable, as a Committee Substitute
 04/18/86 HOUSE Comm. Report: CS by Criminal Justice -HJ 170, Now in Appropriations
 05/01/86 HOUSE Withdrawn from Appropriations -HJ 234, Placed on Calendar
 05/21/86 HOUSE Placed on Special Order Calendar
 05/27/86 HOUSE CS read first and second times; Amendments adopted -HJ 549
 05/28/86 HOUSE Read third time, CS passed as amended, YEAS 110 NAYS 0 -HJ 567
 05/28/86 SENATE In Messages
 06/02/86 SENATE Received, referred to Judiciary-Criminal -SJ 538
 06/07/86 SENATE Died in Committee on Judiciary-Criminal, Iden./Sim / Compare bill passed, refer to CS/SB 60 (Ch. 86-173)
- H 466 GENERAL BILL/CS by Education, K - 12; Stewart (Similar CS/S 1211, Compare H 1235)**
Educational Funding/Handicapped, specifies funding for certain adult handicapped students; includes instruction for exceptional adult students in adult general education program Amends 236 081, 228 072. Effective Date 07/01/86
 02/21/86 HOUSE Prefiled
 02/27/86 HOUSE Referred to Education, K - 12, Appropriations
 04/08/86 HOUSE Introduced, referred to Education, K - 12, Appropriations -HJ 51, On subcommittee agenda—Education, K - 12, 04/09/86, 2:15 pm, 214C
 04/09/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, with 4 amendments
 04/10/86 HOUSE On Committee agenda—Education, K - 12, 04/14/86, 3:30 pm, 214C

(CONTINUED ON NEXT PAGE)

By Senator Fox

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

1 A bill to be entitled
 2 An act relating to domestic violence; amending
 3 s. 415.601, F.S.; providing legislative intent;
 4 amending ss. 415.602, 741.30, F.S.; redefining
 5 "domestic violence" by expanding the definition
 6 of what constitutes such violence and who
 7 constitutes a victim of such violence;
 8 providing remedies; providing for enforcement
 9 of those remedies and for penalties; amending
 10 s. 741.29, F.S.; requiring that certain
 11 particulars be in a police report of an alleged
 12 incident of domestic violence; providing an
 13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 415.601, Florida Statutes, is
18 amended to read:

19 415.601 Domestic violence cases; treatment and
 20 rehabilitation of victims and perpetrators; legislative
 21 intent.--The Legislature recognizes that certain persons who
 22 commit acts or threatened acts of violence against another
 23 individual to whom such person is or was related by blood or
 24 marriage or otherwise legally related or with whom such person
 25 is or was lawfully residing ~~assault; batter; or otherwise~~
 26 ~~abuse-their-spouses~~ and the persons subject to such domestic
 27 violence are in need of treatment and rehabilitation. It is
 28 the intent of the Legislature to assist in the development of
 29 domestic violence centers for the victims of domestic violence
 30 and to provide a place where the parties involved may be
 31 separated until they can be properly assisted.

1 Section 2. Subsection (3) of section 415.602, Florida
2 Statutes, is amended to read:

3 415.602 Definitions of terms used in ss. 415.601-
4 415.608.--As used in ss. 415.601-415.608, the term:

5 (3) "Domestic violence" means any act or threatened
6 act of violence which is committed by a person against another
7 individual to whom such person is or was related by blood or
8 marriage or otherwise legally related or with whom such person
9 is or was lawfully residing ~~assault, battery, or criminal~~
10 ~~sexual conduct by a person against the person's spouse.~~

11 Section 3. Subsection (2) of section 741.29, Florida
12 Statutes, is amended to read:

13 741.29 Investigations by law enforcement officers of
14 incidents of domestic violence; notice to victims of legal
15 rights and remedies; reporting of incidents.--

16 (2) When a law enforcement officer investigates an
17 allegation that an incident of domestic violence has occurred,
18 whether or not an arrest is made, the officer shall make a
19 written police report of the alleged incident. The officer
20 shall submit the report to his supervisor or other person to
21 whom the employer's rules or policies require reports of
22 similar allegations of criminal activity to be made. This
23 report shall include specific descriptions of any injuries
24 observable on the victim or defendant, any indicators of
25 threatening behavior or intoxication on the part of the
26 abuser, and any alleged or observed use of weapons.

27 Section 4. Subsection (1) of section 741.30, Florida
28 Statutes, is amended to read:

29 741.30 Action by spouse for injunction for protection
30 against domestic violence; powers and duties of court and
31 clerk of court; filing and form of petition for injunction;

1 notice and hearing; temporary injunction; issuance of
2 injunction; enforcement.--

3 (1) As used in this section, the term:

4 (a) "Domestic violence" means any act or threatened
5 act of violence which is committed by a person against another
6 individual to whom such person is or was related by blood or
7 marriage or otherwise legally related or with whom such person
8 is or was lawfully residing, any assault, battery, or sexual
9 battery by a person against the person's spouse.

10 (b) ~~"Spouse" means a person to whom another person is~~
11 ~~married or a person to whom another person has been married~~
12 ~~and from whom such person is now separated or divorced.~~

13 Section 5. This act shall take effect October 1, 1986.

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SENATE SUMMARY

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Redefines "domestic violence" to include certain additional acts or threats and certain victims other than spouses. Provides remedies and penalties. Requires a police report about domestic violence to include specified particulars.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Whiddon <i>HW</i>	Hill <i>mt</i>	1. HRS	_____
2. _____	_____	2. JCI	_____
3. _____	_____	3. _____	_____

SUBJECT:

Domestic Violence

BILL NO. AND SPONSOR:

PCS/SB 0103 by
HRS Committee and
Senator Fox

I. SUMMARY:

A. Present Situation:

Sections 415.601-415.608, F.S., provides for the certification and funding of domestic violence centers which provide counseling and shelter to domestic violence victims and meet other statutorily-specified standards. Sections 741.29 and 741.30, F.S., direct law enforcement officers to take certain actions in domestic violence investigations and specify certain legal actions which may be taken by a victim and by the court. In each reference, "domestic violence" includes an assault, battery, or sexual battery by a person against his/her spouse, and "spouse" is defined as "a person to whom another person is married or ... has been married and from whom such person is now separated or divorced."

The law directs a law enforcement officer who is investigating an incident of domestic violence to advise an alleged victim of the location of a domestic violence center and of the legal rights and remedies which are available. It also directs the officer to make a written report of his investigation to his supervisor or other designated person.

Under the provisions of s. 741.30, F.S., an alleged victim has standing in the circuit court to file a petition for an injunction for protection against domestic violence, and s. 741.30(4)(a), F.S., prescribes the form the petition will take.

B. Effect of Proposed Changes:

The proposed legislation amends Chapter 415, F.S., and s. 741.29 and 741.30, F.S., as follows:

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 DEPARTMENT OF STATE
 RA 322 31
 Tallahassee, FL 32304-2000
 Series 16 March 1580

1. It expands the definition of "domestic violence" to include threatened acts of assault, battery, or sexual battery.

2. It includes as a potential victim of domestic violence a person with whom an abuser "is or was cohabiting" which is defined as "members of the opposite sex living... as conjugal partners, though not legally married."

It specifies that the law enforcement officer's written report should include a description of injuries, indications of threatening behavior or intoxication on the part of the abuser, and any alleged or observed use of weapons.

4. It makes the statutorily-prescribed form for the petition for injunction optional.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Expanding the pool of potential victims of domestic violence could impact centers, most of which already have waiting lists. However, on average, those domestic violence centers which receive state funds meet only about 37% of their budgets with such funds, and most are serving the broader pool of victims with other resources. Therefore, the proposed change in definition should not have a significant fiscal impact.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

By the Committee on Health and Rehabilitative Services and
Senator Fox-

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

1 A bill to be entitled
2 An act relating to domestic violence; amending
3 s. 415.601, F.S.; providing legislative intent;
4 amending s. 415.602 and s. 741.30, F.S.;
5 redefining "domestic violence" by changing the
6 definition of what constitutes such violence
7 and who constitutes a victim of such violence;
8 defining the term "cohabitating"; conforming
9 provisions relating to actions for protection
10 against domestic violence; amending s. 741.29,
11 F.S.; specifying that certain particulars be in
12 a police report of an alleged incident of
13 domestic violence; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 415.601, Florida Statutes, is
18 amended to read:

19 415.601 Domestic violence cases; treatment and
20 rehabilitation of victims and perpetrators; legislative
21 intent.--The Legislature recognizes that certain persons who
22 commit or threaten to commit an assault, battery, or sexual
23 battery against another individual to whom such person is or
24 was married or with whom such person is or was cohabitating
25 assault;-batter;-or-otherwise-abuse-their-spouses and the
26 victims of persons-subject-to such domestic violence are in
27 need of treatment and rehabilitation. It is the intent of the
28 Legislature to assist in the development of domestic violence
29 centers for the victims of domestic violence and to provide a
30 place where the parties involved may be separated until they
31 can be properly assisted.

1 Section 2. Subsection (3) of section 415.602, Florida
 2 Statutes, is amended and subsection (6) is added to said
 3 section to read:

4 415.602 Definitions of terms used in ss. 415.601-
 5 415.608.--As used in ss. 415.601-415.608, the term:

6 (3) "Domestic violence" means any act or threatened
 7 act of assault, battery, or sexual battery by a person against
 8 another individual to whom such person is or was married or
 9 with whom such person is or was cohabitating assault;-battery;
 10 or-criminal-sexual-conduct-by-a-person-against-the-person's
 11 spouse.

12 (6) "Cohabiting" means members of the opposite sex
 13 living in a single dwelling unit as conjugal partners, though
 14 not legally married.

15 Section 3. Subsection (2) of section 741.29, Florida
 16 Statutes, is amended to read:

17 741.29 Investigations by law enforcement officers of
 18 incidents of domestic violence; notice to victims of legal
 19 rights and remedies; reporting of incidents.--

20 (2) When a law enforcement officer investigates an
 21 allegation that an incident of domestic violence has occurred,
 22 whether or not an arrest is made, the officer shall make a
 23 written police report of the alleged incident. The officer
 24 shall submit the report to his supervisor or other person to
 25 whom the employer's rules or policies require reports of
 26 similar allegations of criminal activity to be made. This
 27 report shall include specific descriptions of any injuries
 28 observable on the victim or abuser, any indicators of
 29 threatening behavior or intoxication on the part of the
 30 abuser, and any alleged or observed use of weapons.

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1 Section 4. Subsection (1), paragraph (a) of subsection
2 (2), and paragraph (b) of subsection (4) of section 741.30,
3 Florida Statutes, are amended to read:

4 741.30 Action ~~by-spouse~~ for injunction for protection
5 against domestic violence; powers and duties of court and
6 clerk of court; filing and form of petition for injunction;
7 notice and hearing; temporary injunction; issuance of
8 injunction; enforcement.--

9 (1) As used in this section, the term:

10 (a) "Domestic violence" means any act or threatened
11 act of assault, battery, or sexual battery by a person against
12 another individual to whom such person is or was married or
13 with whom such person is or was cohabitating. ~~any-assault;~~
14 ~~battery;-or-sexual-battery-by-a-person-against-the-person's~~
15 ~~spouse.~~

16 (b) "Cohabiting" means members of the opposite sex
17 living in a single dwelling unit as conjugal partners, though
18 not legally married. ~~"Spouse" means a person to whom another~~
19 ~~person is married or a person to whom another person has been~~
20 ~~married and from whom such person is now separated or~~
21 ~~divorced.~~

22 (2) There is created a cause of action for an
23 injunction for protection in cases of domestic violence.

24 (a) Any person spouse who is the victim of any act of
25 domestic violence has standing in the circuit court to file a
26 sworn petition for an injunction for protection against
27 domestic violence.

28 (4)

29 (b) The sworn petition may shall be in substantially
30 the following form:

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PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared
Petitioner ...(Name)..., who has been sworn and says that the
following statements are true:

(a) Petitioner resides at: ...(address)...

(b) Respondent resides at: ...(address)...

(c) Petitioner is or was married to the respondent or
is or was cohabitating with the respondent is-the-spouse-or
former-spouse-of-the-Petitioner.

(d) Petitioner has suffered domestic violence because
respondent has:.....

(e) Petitioner alleges the following additional
specific facts: (mark appropriate sections)

.... Petitioner is the custodian of a minor child or
children whose names and ages are as follows:.....

.... Petitioner needs the exclusive use and possession
of the dwelling that the parties share.

.... Petitioner is unable to obtain safe alternative
housing because:

.... Petitioner genuinely fears that respondent will
abuse, remove, or hide the minor child or children from
petitioner because:.....

(f) Petitioner genuinely fears domestic violence by
respondent.

(g) Petitioner seeks: (mark appropriate section or
sections)

.... An immediate injunction restraining the respondent
from committing any acts of domestic violence.

- 1 An injunction restraining the respondent from
2 committing any acts of domestic violence.
- 3 An injunction awarding to the petitioner the
4 temporary exclusive use and possession of the dwelling that
5 the parties share or excluding the respondent from the
6 residence of the petitioner.
- 7 An injunction awarding temporary custody of, or
8 temporary visitation rights with regard to, the minor child or
9 children of the parties.
- 10 An injunction establishing temporary support for
11 the minor child or children or the petitioner.
- 12 An injunction directing the respondent to
13 participate in treatment or counseling services.
- 14 An injunction providing any terms the court deems
15 necessary for the protection of a victim of domestic violence,
16 including any injunctions or directives to law enforcement
17 agencies.
- 18 Section 5. This act shall take effect October 1, 1986.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 103

1. Changes the newly designated persons who may be victims of domestic violence from individuals to whom an abuser is or was related by blood or marriage, is otherwise legally related or with whom the abuser is or was legally residing to persons with whom an abuser is or was cohabiting;
2. Defines "cohabiting:"
3. Amends existing law to allow the statutorily prescribed form for a petition for injunction for protection to be optional.

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Whiddon <i>WJW</i>	Hilly <i>HH</i>	1. HRS	Fav/CS
2. _____	_____	2. JCI	_____
3. _____	_____	3. _____	_____

SUBJECT:

Domestic Violence

BILL NO. AND SPONSOR:

CS/SB 0103 by
HRS Committee and
Senator Fox

I. SUMMARY:

A. Present Situation:

Sections 415.601-415.608, F.S., provides for the certification and funding of domestic violence centers which provide counseling and shelter to domestic violence victims and meet other statutorily-specified standards. Sections 741.29 and 741.30, F.S., direct law enforcement officers to take certain actions in domestic violence investigations and specify certain legal actions which may be taken by a victim and by the court. In each reference, "domestic violence" includes an assault, battery, or sexual battery by a person against his/her spouse, and "spouse" is defined as "a person to whom another person is married or ... has been married and from whom such person is now separated or divorced."

The law directs a law enforcement officer who is investigating an incident of domestic violence to advise an alleged victim of the location of a domestic violence center and of the legal rights and remedies which are available. It also directs the officer to make a written report of his investigation to his supervisor or other designated person.

Under the provisions of s. 741.30, F.S., an alleged victim has standing in the circuit court to file a petition for an injunction for protection against domestic violence, and s. 741.30(4)(a), F.S., prescribes the form the petition will take.

B. Effect of Proposed Changes:

The proposed legislation amends Chapter 415, F.S., and s. 741.29 and 741.30, F.S., as follows:

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1. It expands the definition of "domestic violence" to include threatened acts of assault, battery, or sexual battery.
2. It includes as a potential victim of domestic violence a person with whom an abuser "is or was cohabiting" which is defined as "members of the opposite sex living... as conjugal partners, though not legally married."
3. It specifies that the law enforcement officer's written report should include a description of injuries, indications of threatening behavior or intoxication on the part of the abuser, and any alleged or observed use of weapons.

4. It makes the statutorily-prescribed form for the petition for injunction optional.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Expanding the pool of potential victims of domestic violence could impact centers, most of which already have waiting lists. However, on average, those domestic violence centers which receive state funds meet only about 37% of their budgets with such funds, and most are serving the broader pool of victims with other resources. Therefore, the proposed change in definition should not have a significant fiscal impact.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

By the Committee on Judiciary-Civil and Health and Rehabilitative Services and Senator Fox-

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

1 A bill to be entitled

2 An act relating to domestic violence; amending

3 s. 415.601, F.S.; providing legislative intent;

4 amending s. 415.602 and s. 741.30, F.S.;

5 redefining "domestic violence" by changing the

6 definition of what constitutes such violence;

7 conforming provisions relating to actions for

8 protection against domestic violence; amending

9 s. 741.29, F.S.; specifying that certain

10 particulars be in a police report of an alleged

11 incident of domestic violence; providing an

12 effective date.

13

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

15

16 Section 1. Section 415.601, Florida Statutes, is

17 amended to read:

18 415.601 Domestic violence cases; treatment and

19 rehabilitation of victims and perpetrators; legislative

20 intent.--The Legislature recognizes that certain persons who

21 assault, threaten to commit a battery or sexual battery

22 against, or commit a battery or sexual battery against,

23 another individual to whom such person is or was married

24 assault, batter, or otherwise abuse their spouses and the

25 victims of persons subject to such domestic violence are in

26 need of treatment and rehabilitation. It is the intent of the

27 Legislature to assist in the development of domestic violence

28 centers for the victims of domestic violence and to provide a

29 place where the parties involved may be separated until they

30 can be properly assisted.

31

1 Section 2. Subsection (3) of section 415.602, Florida
2 Statutes, is amended to read:

3 415.602 Definitions of terms used in ss. 415.601-
4 415.608.--As used in ss. 415.601-415.608, the term:

5 (3) "Domestic violence" means any assault, threat to
6 commit a battery or sexual battery, or battery or sexual
7 battery against another individual to whom such person is or
8 was married ~~assault; battery; or criminal sexual conduct by a~~
9 ~~person against the person's spouse.~~

10 Section 3. Subsection (2) of section 741.29, Florida
11 Statutes, is amended to read:

12 741.29 Investigations by law enforcement officers of
13 incidents of domestic violence; notice to victims of legal
14 rights and remedies; reporting of incidents.--

15 (2) When a law enforcement officer investigates an
16 allegation that an incident of domestic violence has occurred,
17 whether or not an arrest is made, the officer shall make a
18 written police report of the alleged incident. The officer
19 shall submit the report to his supervisor or other person to
20 whom the employer's rules or policies require reports of
21 similar allegations of criminal activity to be made. This
22 report shall include specific descriptions of any injuries
23 observable on the victim or abuser, any indicators of
24 threatening behavior or intoxication on the part of the
25 abuser, and any alleged or observed use of weapons.

26 Section 4. Subsection (1), paragraph (a) of subsection
27 (2), and paragraph (b) of subsection (4) of section 741.30,
28 Florida Statutes, are amended to read:

29 741.30 Action by spouse for injunction for protection
30 against domestic violence; powers and duties of court and
31 clerk of court; filing and form of petition for injunction;

1 notice and hearing; temporary injunction; issuance of
 2 injunction; enforcement.--

3 (1) As used in this section, the term:

4 (a) "Domestic violence" means any assault, threat to
 5 commit a battery or sexual battery, or battery or sexual
 6 battery against another individual to whom such person is or
 7 was married, any-assault,-battery,-or-sexual-battery-by-a
 8 person-against-the-person's-spouse.

9 (b) "Spouse" means a person to whom another person is
 10 married or a person to whom another person has been married
 11 and from whom such person is now separated or divorced.

12 (2) There is created a cause of action for an
 13 injunction for protection in cases of domestic violence.

14 (a) Any person spouse who is the victim of any act of
 15 domestic violence has standing in the circuit court to file a
 16 sworn petition for an injunction for protection against
 17 domestic violence.

18 (4)

19 (b) The sworn petition may shall be in substantially
 20 the following form:

21 PETITION FOR
 22 INJUNCTION FOR PROTECTION
 23 AGAINST DOMESTIC VIOLENCE
 24

25 Before me, the undersigned authority, personally appeared
 26 Petitioner ...(Name)..., who has been sworn and says that the
 27 following statements are true:

28 (a) Petitioner resides at: ...(address)...

29 (b) Respondent resides at: ...(address)...

30 (c) Petitioner is or was married to the respondent is
 31 the-spouse-or-former-spouse-of-the-Petitioner.

1 (d) Petitioner has suffered domestic violence because
2 respondent has:.....

3 (e) Petitioner alleges the following additional
4 specific facts: (mark appropriate sections)

5 Petitioner is the custodian of a minor child or
6 children whose names and ages are as follows:.....

7 Petitioner needs the exclusive use and possession
8 of the dwelling that the parties share.

9 Petitioner is unable to obtain safe alternative
10 housing because:

11 Petitioner genuinely fears that respondent will
12 abuse, remove, or hide the minor child or children from
13 petitioner because:.....

14 (f) Petitioner genuinely fears domestic violence by
15 respondent.

16 (g) Petitioner seeks: (mark appropriate section or
17 sections)

18 An immediate injunction restraining the respondent
19 from committing any acts of domestic violence.

20 An injunction restraining the respondent from
21 committing any acts of domestic violence.

22 An injunction awarding to the petitioner the
23 temporary exclusive use and possession of the dwelling that
24 the parties share or excluding the respondent from the
25 residence of the petitioner.

26 An injunction awarding temporary custody of, or
27 temporary visitation rights with regard to, the minor child or
28 children of the parties.

29 An injunction establishing temporary support for
30 the minor child or children or the petitioner.

31

1 An injunction directing the respondent to
2 participate in treatment or counseling services.
3 An injunction providing any terms the court deems
4 necessary for the protection of a victim of domestic violence,
5 including any injunctions or directives to law enforcement
6 agencies.
7 Section 5. This act shall take effect October 1, 1986.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 103

Committee Substitute for SB 103 was amended to define domestic violence as "any act of assault or threatened act of battery or sexual battery by a person against another individual to whom such person is or was married."

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Whiddon <i>W</i>	Hill <i>H</i>	1. HRS _____	Fav/CS _____
2. Slater <i>S</i>	Lester <i>L</i>	2. JCI _____	Fav/CS/CS _____
3. _____	_____	_____	_____

SUBJECT:

Domestic Violence

COPY

BILL NO. AND SPONSOR:

CS/CS/SB 103 by Judiciary-Civil Committee & HRS Committee and Senator Fox

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FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
TALLAHASSEE, FL 32304-0130

Tallahassee, FL 32304-0130
Series 18 Carton 1556

I. SUMMARY:

A. Present Situation:

Sections 415.601-415.608, F.S., provide for domestic violence centers which are facilities that offer services to victims of domestic violence. Domestic violence is "any assault, battery or criminal sexual conduct by a person against the person's spouse." Spouse is defined as "a person to whom another person is married or a person to whom another person has been married and from whom such person is now separated or divorced." A domestic violence center must meet statutory standards as well as standards established by the Department of Health and Rehabilitative Services before being certified a domestic violence center. Once certified, a center is eligible for state matching funding.

Section 741.29, F.S., directs a law enforcement officer who investigates an alleged incident of domestic violence to advise the victim that there is a domestic violence center from which the victim may receive services and to give the victim a standard form developed by the Florida Department of Law Enforcement giving the victim notice of his legal rights and remedies. In addition, the law enforcement officer must make a written police report of the alleged incident.

Section 741.30, F.S., creates a cause of action for an injunction for protection in cases of domestic violence and prescribes the form for a petition for injunction.

B. Effect of Proposed Changes:

Committee Substitute for Committee Substitute for Senate Bill 103 would amend Chapter 415, F.S., and ss. 714.29 and 741.30, F.S., as follows:

1. It defines "domestic violence" as "any assault or threat to commit a battery or sexual battery, or battery or sexual battery by a person against another individual to whom such person is or was married."
2. It specifies that the law enforcement officer's written report should include a description of injuries observable on the victim or abuser, indications of threatening behavior or intoxication on the part of the abuser, and any alleged or observed use of weapons.
3. It makes the statutorily-prescribed form for the petition for injunction optional.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Expanding the potential victims of domestic violence could impact the domestic violence centers, most of which already have waiting lists. However, most of the domestic violence centers which receive state funds meet only about 37% of their budgets with state funding, and most are already serving these victims with other resources. Therefore, the proposed change in definition should not have a significant fiscal impact.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 103

Committee Substitute for SB 103 was amended to define domestic violence as "any act of assault or threatened act of battery or sexual battery by a person against another individual to whom such person is or was married."

Committee on Judiciary-Civil

Bob Lester
Staff Director

(FILE TWO COPIES WITH THE SECRETARY OF THE SENATE)

Journal
of the
Florida
House of Representatives



Eighty-eighth
Regular Session
since Statehood in 1845

April 8 through June 7, 1986

[Including a record of transmittal of Acts subsequent to sine die adjournment]

By the Committee on Judiciary-Civil and Senator Jennings—

CS for SB 780—A bill to be entitled An act relating to local parking regulation, amending s 316 008, F S , authorizing counties and municipalities to provide, by ordinance, increased fines for violation of specified fire-safety related noncriminal traffic violations, providing for use of increased fines for firefighter education programs; providing for reporting of fine collections by clerks of court, providing an effective date

—was read the first time by title and placed on the Calendar without reference

By the Committee on Economic, Community and Consumer Affairs and Senator Weinstein—

CS for SB 973—A bill to be entitled An act relating to municipal annexation, amending s 171 062, F S , specifying that contracts in effect prior to annexation are not affected by annexation, providing an effective date

—was read the first time by title and placed on the Calendar without reference

By the Committee on Finance, Taxation and Claims and Senator Weinstein—

CS for SB 1166—A bill to be entitled An act relating to special assessments, amending s 197 363, F S . requiring a public hearing for adoption of ad valorem special assessments, amending s 200 068, F S , requiring that copies of ordinances or resolutions levying such special assessments accompany the certified statement of compliance, providing an effective date

—was read the first time by title and referred to the Committees on Finance & Taxation and Appropriations

By Senator Hair—

SB 164—A bill to be entitled An act relating to the City of Jacksonville, providing for the relief of David G Baker, requiring the city to compensate him for personal injuries sustained in an intersectional collision due to the negligence of the City of Jacksonville in failing to properly maintain stop signs at the intersection, providing an effective date

Proof of publication of the required notice was attached

—was read the first time by title and referred to the Select Committee on Claims

By the Committees on Governmental Operations and Judiciary-Civil and Senator Jennings—

CS for CS for SB 604—A bill to be entitled An act relating to judgments, amending s 55 01, F S , requiring final judgments to include additional information identifying the judgment debtor, amending s 55 505, F S , requiring affidavits for the recording of foreign judgments to include additional information identifying the judgment debtor and judgment creditor, providing an effective date

—was read the first time by title and referred to the Committee on Judiciary

By the Committee on Corrections, Probation and Parole—

CS for SB 516—A bill to be entitled An act relating to correctional education, creating s 242 68, F S , providing for vocational and academic education for prisoners under jurisdiction of the Department of Corrections, creating a Correctional Education School Authority, a Board of Correctional Education, and the position of Director of Correctional Education, providing duties, providing for a comprehensive plan for correctional education, providing for legislative appropriations, providing for policies, goals, objectives, and duties, requiring that inmates meet graduation requirements provided for in ss 232 246, and 232 247 F S . providing for the selection of a site for a vocational-technical center, providing for a comprehensive operational training plan, providing for the transfer of educational programs, personnel property and funds from the Department of Corrections to

the Correctional Education School Authority, providing for a staffing and funding formula, providing for implementation, amending s 229 565, F S , requiring periodic evaluations of correctional education, repealing s 944 19, F S , relating to education of prisoners under the jurisdiction of the Department of Corrections, providing an effective date

—was read the first time by title and placed on the Calendar without reference

By Senator Gordon—

SB 67—A bill to be entitled An act for the relief of Raul del Portillo, providing an appropriation to compensate him for loss of cumulative compensatory leave time prior to his resignation from the Department of Law Enforcement, providing an effective date

—was read the first time by title and referred to the Select Committee on Claims

By the Committee on Commerce and Senator Gordon and others—

CS for SB 1—A bill to be entitled An act relating to the Beverage Law, amending s 562 51, F S , prohibiting licensees from discriminating against persons on specified grounds, providing a definition, amending s 561 15, F S , providing for the withholding of certain licenses, amending s 220 13, F S , disallowing business expenses paid to discriminating licensees, providing an effective date

—was read the first time by title and referred to the Committee on Judiciary

By Senator Kirkpatrick—

SB 946—A bill to be entitled An act relating to the Florida Retirement System, amending s 121 35, F S , deleting certain limitations on insurers who may offer annuities under the optional retirement programs for state university employees, providing for participation by a Florida domestic insurance company under certain conditions, providing an effective date

—was read the first time by title and referred to the Committee on Appropriations

The Honorable James Harold Thompson, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/CS/SB 103 and requests the concurrence of the House

Joe Brown, Secretary

By the Committees on Judiciary-Civil and Health and Rehabilitative Services and Senator Fox—

CS for CS for SB 103—A bill to be entitled An act relating to domestic violence, amending s 415 601, F S , providing legislative intent, amending s 415 602 and s 741 30, F S , redefining "domestic violence" by changing the definition of what constitutes such violence, conforming provisions relating to actions for protection against domestic violence, amending s 741 29, F S , specifying that certain particulars be in a police report of an alleged incident of domestic violence, providing an effective date

—was read the first time by title On motion by Rep Gordon, the rules were waived by two-thirds vote and the bill was read the second time by title

Representatives Gordon and Figg offered the following amendment

Amendment 1—On page 1, line 15, insert Section 1 Section 415 601, Florida Statutes, is amended to read

415 601 Domestic violence cases, treatment and rehabilitation of victims and perpetrators, legislative intent—The Legislature recognizes that certain persons who commit or threaten to commit an assault battery or sexual battery against another individual to whom such person is or was married or with whom such person is or was cohabitating ~~assault, battery, or other act abuse their spouses~~ and the victims of persons subject to such domestic violence are in need of treatment and rehabilitation. It is the intent of the Legislature to

assist in the development of domestic violence centers for the victims of domestic violence and to provide a place where the parties involved may be separated until they can be properly assisted

Section 2 Subsection (3) of section 415 602, Florida Statutes is amended and subsection (6) is added to said section to read

415 602 Definitions of terms used in ss 415 601-415 608 —As used in ss 415 601-415 608, the term

(3) "Domestic violence" means any act or threatened act of assault, battery, or sexual battery by a person against another individual to whom such person is or was married or with whom such person is or was cohabitating ~~assault, battery, or criminal sexual conduct by a person against the person's spouse~~

(6) "Cohabitating" means members of the opposite sex living in a single dwelling unit as conjugal partners, though not legally married

Section 3 Subsection (2) of section 741 29, Florida Statutes, is amended to read

741 29 Investigations by law enforcement officers of incidents of domestic violence, notice to victims of legal rights and remedies, reporting of incidents —

(2) When a law enforcement officer investigates an allegation that an incident of domestic violence has occurred, whether or not an arrest is made, the officer shall make a written police report of the alleged incident The officer shall submit the report to his supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal acivity to be made This report shall include specific descriptions of any injuries observable on the victim or abuser, any indicators of threatening behavior or intoxication on the part of the abuser, and any alleged or observed use of weapons

Section 4 Subsection (1), paragraph (a) of subsection (2), and paragraph (b) of subsection (4) of section 741 30, Florida Statutes, are amended to read

741 30 Action by spouse for injunction for protection against domestic violence, powers and duties of court and clerk of court, filing and form of petition for injunction, notice and hearing, temporary injunction, issuance of injunction, enforcement —

(1) As used in this section, the term

(a) "Domestic violence" means any act or threatened act of assault, battery, or sexual battery by a person against another individual to whom such person is or was married or with whom such person is or was cohabitating ~~any assault, battery, or sexual battery by a person against the person's spouse~~

(b) "Cohabitating" means members of the opposite sex living in a single dwelling unit as conjugal partners, though not legally married "Spouse" means a person to whom another person is married or a person to whom another person has been married and from whom such person is now separated or divorced

(2) There is created a cause of action for an injunction for protection in cases of domestic violence.

(a) Any person spouse who is the victim of any act of domestic violence has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence

(4)

(b) The sworn petition may shall be in substantially the following form

PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name) , who has been sworn and says that the following statements are true

(a) Petitioner resides at (address)

(b) Respondent resides at (address)

(c) ~~Petitioner is or was married to the respondent or is or was cohabitating with the respondent is the spouse or former spouse of the Petitioner~~

(d) Petitioner has suffered domestic violence because respondent has

(e) Petitioner alleges the following additional specific facts (mark appropriate sections)

Petitioner is the custodian of a minor child or children whose names and ages are as follows

Petitioner needs the exclusive use and possession of the dwelling that the parties share

Petitioner is unable to obtain safe alternative housing because

Petitioner genuinely fears that respondent will abuse, remove, or hide the minor child or children from petitioner because

(f) Petitioner genuinely fears domestic violence by respondent

(g) Petitioner seeks (mark appropriate section or sections)

An immediate injunction restraining the respondent from committing any acts of domestic violence

An injunction restraining the respondent from committing any acts of domestic violence

An injunction awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner

An injunction awarding temporary custody of, or temporary visitation rights with regard to, the minor child or children of the parties

An injunction establishing temporary support for the minor child or children or the petitioner

An injunction directing the respondent to participate in treatment or counseling services

An injunction providing any terms the court deems necessary for the protection of a victim of domestic violence, including any injunctions or directives to law enforcement agencies (renumber subsequent sections)

Rep Gordon moved the adoption of the amendment, which was adopted

Representatives Gordon and Figg offered the following title amendment

Amendment 2—On page 1, line 2, after the semicolon insert amending s 415 601, FS, providing legislative intent, amending s 415 602 and s 741 30, FS, redefining "domestic violence" by changing the definition of what constitutes such violence and who constitutes a victim of such violence; defining the term "cohabitating", conforming provisions relating to actions for protection against domestic violence, amending s 741 29, FS, specifying that certain particulars be in a police report of an alleged incident of domestic violence,

Rep Gordon moved the adoption of the amendment, which was adopted

On motion by Rep Gordon, the rules were waived by two-thirds vote and CS/CS/SB 103, as amended, was read the third time by title On passage, the vote was

Yeas—99

Table with 4 columns: The Chair, Bronson, Combee, Dunbar; Abrams, Brown, C, Crady, Easley; Allen, Brown, T C, Crotty, Evans-Jones; Armstrong, Burnsed, Dantzler, Figg; Arnold, Canady, Davis, Friedman; Bass, Carpenter, Deutsch, Gallagher; Bell, Casas, Drage, Garcia; Bloom, Clark, Dudley, Gibbons

Gonzalez-Quevedo	Jones, C F	Metcalf	Sansom
Gordon	Jones, D L	Mills	Selph
Grant	Kelly	Mitchell	Shelley
Grindle	Kimmel	Morgan	Silver
Gustafson	Lawson	Morse	Simon
Gutman	Lehtinen	Nergard	Smith
Hanson	Lewis	Patchett	Souto
Harris	Liberti	Peeples	Thomas, D L
Hawkins, L R	Lippman	Press	Thomas, J
Hawkins, M E	Locke	Reaves	Titone
Hill	Lombard	Reddick	Tobiasen
Hollingsworth	Mackenzie	Renke	Tobin
Jamerson	Martin	Robinson	Wallace
Jennings	Martinez	Rochlin	Watt
Johnson, B L	McEwan	Ros-Lehtinen	Weinstock
Johnson, R C	Meffert	Sample	Wetherell
	Messersmith	Sanderson	Young

Nays—11

Bankhead	Clements	Langton	Webster
Brantley	Frishe	Shackelford	Woodruff
Carlton	Irvine	Simone	

Votes after roll call

Yeas to Nays—Lewis, Morgan
Nays to Yeas—Carlton

So the bill passed, as amended, and was immediately certified to the Senate after engrossment

The Honorable James Harold Thompson, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 731, with amendments and requests the concurrence of the House

Joe Brown, Secretary

CS/HB 731—A bill to be entitled An act relating to obscenity, creating s 847 0135, F S , creating the "Computer Pornography and Child Exploitation Prevention Act of 1986", providing definitions, prohibiting the transmission of computer pornography involving minors, providing penalties, amending chapter 847, Florida Statutes, adding a definition section, revising the elements of the sale or distribution of harmful materials to a child, retail display of materials harmful to minors, and exposing minors to harmful motion pictures, exhibitions, shows, presentations, or representations, removing obsolete language, providing for the confiscation and destruction of obscene material, providing an effective date

Senate Amendment 1—On page 1, line 19, strike everything after the enacting clause and insert Section 1 Section 847 001, Florida Statutes, is created to read

847.001 Definitions—When used in this chapter

(1) "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device

(2) "Deviate sexual intercourse" means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva

(3) "Harmful to minors" means that quality of any description, exhibition, presentation, or representation, in whatever form, of nudity, sexual conduct, or sexual excitement when it

(a) Predominantly appeals to the prurient, shameful, or morbid interest of minors,

(b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and

(c) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors

(4) "Minor" means any person under the age of 18 years

(5) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state

(6) "Person" includes individuals, firms, associations, corporations, and all other groups and combinations

(7) "Obscene" means the status of material which

(a) The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest,

(b) Depicts or describes, in a patently offensive way, sexual conduct as specifically defined herein, and

(c) Taken as a whole, lacks serious literary, artistic, political or scientific value

(8) "Sodomasochistic abuse" means flagellation or torture by or upon a person, or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction from inflicting harm on another or receiving such harm oneself

(9) "Sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, however, sexual battery does not include an act done for a bona fide medical purpose

(10) "Sexual bestiality" means any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or vagina of the other

(11) "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse, actual lewd exhibition of the genitals, actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed

(12) "Sexual excitement" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal

(13) "Simulated" means the explicit depiction of conduct set forth in subsection (10) which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks

Section 2 Section 847 011, Florida Statutes, is amended to read

847 011 Prohibition of certain acts in connection with obscene, lewd, etc., materials, penalty —

(1)(a) Any A person who knowingly sells, lends, gives away, distributes, transmits, shows, or transmutes, or offers to sell, lend, give away, distribute, transmit, show, or transmute, or has in his possession, custody, or control with intent to sell, lend, give away, distribute, transmit, show, transmute, or advertise in any manner, any obscene, lewd, lascivious, filthy, indecent, ~~obscene~~, or ~~masochistic~~ book, magazine, periodical, pamphlet, newspaper, comic book, story paper, written or printed story or article, writing, paper, card, picture, drawing, photograph, motion-picture film, figure, image, phonograph record, or wire or tape or other recording, or any written, printed, or recorded matter of any such character which may or may not require mechanical or other means to be transmuted into auditory, visual, or sensory representations of such character, or any article or instrument for ~~obscene~~ or ~~indecent~~ use, or purporting to be for ~~obscene~~ or ~~indecent~~ use or purpose, or who knowingly designs, copies, draws, photographs, poses for, writes, prints, publishes, or in any manner whatsoever manufactures or prepares any such material, matter, article, or thing of any such character; or who knowingly writes, prints, publishes, or utters, or causes to be written, printed, published, or uttered, any advertisement or notice of any kind, giving information, directly or indirectly stating, or purporting to state, where, how, of whom, or by

By Representative Gordon

This publication was produced at an average cost of 15 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

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A bill to be entitled
An act relating to domestic violence; amending
s. 415.601, F.S.; providing legislative intent;
amending s. 415.602 and s. 741.30, F.S.;
redefining "domestic violence" by expanding the
definition of what constitutes such violence
and who constitutes a victim of such violence;
defining the term "cohabitating"; providing
remedies; providing for enforcement of those
remedies and for penalties; amending s. 741.29,
F.S.; requiring that certain particulars be in
a police report of an alleged incident of
domestic violence, providing an effective date.

Be It Enacted by the Legislature of the State of Flor.da.

Section 1. Section 415.601, Florida Statutes, is
amended to read:

415.601 Domestic violence cases; treatment and
rehabilitation of victims and perpetrators; legislative
intent.--The Legislature recognizes that certain persons who
commit acts or threatened acts of violence against another
individual to whom such person is or was related by blood or
marriage or otherwise legally related or with whom such person
is cohabitating ~~assault; batter; or otherwise abuse their~~
spouses and the persons subject to such domestic violence are
in need of treatment and rehabilitation. It is the intent of
the Legislature to assist in the development of domestic
violence centers for the victims of domestic violence and to
provide a place where the parties involved may be separated
until they can be properly assisted.

1	Section 2. Subsection (3) of section 415.602, Florida	1.25
2	Statutes, is amended and subsection (6) is added to said	1.25/1
3	section to read:	
4	415.602 Definitions of terms used in ss. 415.601-	1.27
5	415.608.--As used in ss. 415.601-415.608, the term:	1.28
6	(3) "Domestic violence" means any <u>act or threatened</u>	1.29
7	<u>act of violence which is committed by a person against another</u>	1.30
8	<u>individual to whom such person is or was related by blood or</u>	
9	<u>marriage or otherwise legally related or with whom such person</u>	1.31
10	<u>is cohabitating assault; battery; or criminal sexual conduct</u>	1.31/1
11	<u>by a person against the person's spouse</u>	
12	(6) "Cohabiting" means members of the opposite sex	1.31.2
13	<u>living in a single dwelling unit as conjugal partners, though</u>	1.31/3
14	<u>not legally married.</u>	
15	Section 3. Subsection (2) of section 741.29, Florida	1.31/4
16	Statutes, is amended to read:	1.35
17	741.29 Investigations by law enforcement officers of	1.36
18	incidents of domestic violence; notice to victims of legal	1.38
19	rights and remedies, reporting of incidents.--	
20	(2) When a law enforcement officer investigates an	1.39
21	allegation that an incident of domestic violence has occurred,	1.40
22	whether or not an arrest is made, the officer shall make a	
23	written police report of the alleged incident. The officer	1.42
24	shall submit the report to his supervisor or other person to	
25	whom the employer's rules or policies require reports of	1.43
26	similar allegations of criminal activity to be made. <u>This</u>	1.43.1
27	<u>report shall include specific descriptions of any injuries</u>	
28	<u>observable on the victim or defendant, any indicators of</u>	1.45
29	<u>threatening behavior or intoxication on the part of the</u>	
30	<u>abuser, and any alleged or observed use of weapons.</u>	1.4
31		

1	Section 4. Subsection (1) of section 741.30, Florida	1.47
2	Statutes, is amended to read:	1.48
3	741.30 Action by spouse for injunction for protection	1.50
4	against domestic violence, powers and duties of court and	
5	clerk of court, filing and form of petition for injunction;	1.51
6	notice and hearing; temporary injunction; issuance of	
7	injunction; enforcement.--	1.52
8	(1) As used in this section, the term:	1.53
9	(a) "Domestic violence" means <u>any act or threatened</u>	1.55
10	<u>act of violence which is committed by a person against another</u>	
11	<u>individual to whom such person is or was related by blood or</u>	1.56
12	<u>marriage or otherwise legally related or with whom such person</u>	1.57
13	<u>is cohabitating any assault; battery; or sexual battery by a</u>	1:10s
14	<u>person against the person's spouse:</u>	1.59
15	(b) "Spouse" means a person to whom another person is	1:10s
16	married or a person to whom another person has been married	1.61
17	and from whom such person is now separated or divorced.	1.62
18	Section 5 This act shall take effect October 1, 1986	1.63
19		
20	*****	
21	HOUSE SUMMARY	
22	Redefines "domestic violence" to include certain	
23	additional acts or threats and certain victims other than	
24	spouses. Defines the term "cohabitating." Provides	
25	remedies and penalties. Requires a police report about	
26	domestic violence to include specified particulars.	
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HOUSE COMMITTEE AMENDMENT (for computer)

Amendment No. _____ Committee Use Only Bill No. HB 456
Senate Action _____ House Action _____

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If amendment is text of another bill insert:
Bill No. _____ Draft No. _____

Representative Martinez offered the following amendment:

Amendment

On page...1..., line.16....,
strike everything after the enacting clause

and insert:

Section 1. Section 415.601, Florida Statutes, is amended to read:

415.601 Domestic violence cases; treatment and rehabilitation of victims and perpetrators; legislative intent.--The Legislature recognizes that certain persons who commit or threaten to commit an assault, battery, or sexual battery against another individual to whom such person is or was married or with whom such person is or was cohabitating ~~assault, battery, or otherwise abuse their spouses~~ and the victims of persons subject to such domestic violence are in need of treatment and rehabilitation. It is the intent of the Legislature to assist in the development of domestic violence centers for the victims of domestic violence and to provide a place where the parties involved may be separated until they can be properly assisted.

Section 2. Subsection (3) of section 415.602, Florida Statutes, is amended and subsection (6) is added to said section to read:

HOUSE COMMITTEE AMENDMENT

Bill No. HB 476

415.602 Definitions of terms used in ss. 415.601-
415.603.--As used in ss. 415.601-415.603, the term

(3) "Domestic violence" means any act or threatened
act of assault, battery, or sexual battery of a person against
another individual to whom such person is or was married or
with whom such person is or was cohabitating. assault;
battery, or criminal sexual conduct by a person against the
person's spouse.

(6) "Cohabiting" means members of the opposite sex
living in a single dwelling unit as conjugal partners, though
not legally married.

Section 3. Subsection (2) of section 741.29, Florida
Statutes, is amended to read:

741.29 Investigations by law enforcement officers of
incidents of domestic violence; notice to victims of legal
rights and remedies; reporting of incidents.--

(2) When a law enforcement officer investigates an
allegation that an incident of domestic violence has occurred
whether or not an arrest is made, the officer shall make a
written police report of the alleged incident. The officer
shall submit the report to his supervisor or other person to
whom the employer's rules or policies require reports of
similar allegations of criminal activity to be made. This
report should include specific descriptions of any injuries
observable on the victim or defendant, any indicators of
threatening behavior or intoxication on the part of the
abuser, and any alleged or observed use of weapons.

Section 4. Subsection (1) of section 741.30, Florida
Statutes, is amended to read:

741.30 Action by spouse for injunction for protection
against domestic violence; powers and duties of court and

1 clerk of court, filing and form of petition for injunction;
2 notice and hearing; temporary injunction, issuance of
3 injunction; enforcement,--

4 (1) As used in this section, the term:
5 (a) "Domestic violence" means any act or threatened
6 act of assault, battery, or sexual battery by a person against
7 another individual to whom such person is or was married or
8 with whom such person is or was cohabitating. any assault,
9 battery, or sexual battery by a person against the person's
10 spouse.

11 (b) "Cohabiting" means members of the opposite sex
12 living in a single dwelling unit as conjugal partners, though
13 not legally married. Spouse" means a person to whom another
14 person is married or a person to whom another person has been
15 married and from whom such person is now separated or
16 divorced.

17 Section 5. Subsection (2) of section 741.30, Florida
18 Statutes is amended to read:

19 (2) There is created a cause of action for an
20 injunction for protection in cases of domestic violence.

21 (a) Any person spouse who is the victim of any act of
22 domestic violence has standing in the circuit court to file a
23 sworn petition for an injunction for protection against
24 domestic violence.

25 Section 6. (4)(a) The sworn petition shall allege the
26 existence of such domestic violence and shall include the
27 specific facts and circumstances upon the basis of which
28 relief is sought.

29 (b) The sworn petition may be in substantially the
30 following form:

31 PETITION FOR

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INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared
Petitioner ...(Name)..., who has been sworn and says that the
following statements are true:

- (a) Petitioner resides at: ...(address)...
- (b) Respondent resides at: ...(address)...
- (c) Petitioner is married or was married to the
respondent, or the petitioner is cohabitating or was
cohabitating with the respondent.

(d) Petitioner has suffered domestic violence because
respondent has:.....

(e) Petitioner alleges the following additional
specific facts: (mark appropriate sections)

.... Petitioner is the custodian of a minor child or
children whose names and ages are as follows:.....

.... Petitioner needs the exclusive use and possession
of the dwelling that the parties share.

.... Petitioner is unable to obtain safe alternative
housing because:.....

.... Petitioner genuinely fears that respondent will
abuse, remove, or hide the minor child or children from
petitioner because:.....

(f) Petitioner genuinely fears domestic violence by
respondent.

(g) Petitioner seeks: (mark appropriate section or
sections)

.... An immediate injunction restraining the respondent
from committing any acts of domestic violence.

1 An injunction restraining the respondent from
2 controlling any acts of domestic violence.
3 An injunction awarding to the petitioner the
4 temporary exclusive use and possession of the dwelling that
5 the parties share or excluding the respondent from the
6 residence of the petitioner.
7 An injunction awarding temporary custody of, or
8 temporary visitation rights with regard to, the minor child or
9 children of parties. An injunction establishing
10 temporary support for the minor child or children of the
11 petitioner. An injunction directing the respondent to
12 participate in treatment or counseling services. An
13 injunction providing any terms the court deems necessary for
14 the protection of a victim of domestic violence, including any
15 injunctions or directives to law enforcement agencies.
16 Section 7. This act shall take effect October 1, 1986.
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HOUSE COMMITTEE AMENDMENT FOR COMPUTER

Amendment No. 1 Committee Use Only Bill No. HB 45

Senate Action

House Action

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If amendment is text of another bill insert:
Bill No. Draft No.

The Committee on Criminal Justice offered the following
title amendment:

Amendment

On page..... line.....,
strike requiring
and insert: specifying

1	Section 2. Subsection (3) of section 415.602, Florida	1.28
2	Statutes, is amended and subsection (6) is added to said	1.29
3	section to read:	
4	415.602 Definitions of terms used in ss. 415.601-	1.30
5	415.608.--As used in ss. 415.601-415.608, the term:	1.31
6	(3) "Domestic violence" means any <u>act or threatened</u>	1.32
7	<u>act of assault, battery, or sexual battery by a person against</u>	1.33
8	<u>another individual to whom such person is or was married or</u>	
9	<u>with whom such person is or was cohabitating</u> assault, battery,	1.35
10	or criminal sexual conduct by a person against the person's	1.37
11	spouse.	
12	(6) " <u>Cohabiting</u> " means members of the opposite sex	1.38
13	<u>living in a single dwelling unit as conjugal partners, though</u>	1.39
14	<u>not legally married.</u>	
15	Section 3. Subsection (2) of section 741.29, Florida	1.40
16	Statutes, is amended to read:	1.41
17	741.29 Investigations by law enforcement officers of	1.42
18	incidents of domestic violence; notice to victims of legal	1.44
19	rights and remedies; reporting of incidents.--	
20	(2) When a law enforcement officer investigates an	1.45
21	allegation that an incident of domestic violence has occurred,	1.46
22	whether or not an arrest is made, the officer shall make a	
23	written police report of the alleged incident. The officer	1.48
24	shall submit the report to his supervisor or other person to	
25	whom the employer's rules or policies require reports of	1.49
26	similar allegations of criminal activity to be made. <u>This</u>	1.50
27	<u>report shall include specific descriptions of any injuries</u>	
28	<u>observable on the victim or abuser, any indicators of</u>	1.51
29	<u>threatening behavior or intoxication on the part of the</u>	
30	<u>abuser, and any alleged or observed use of weapons.</u>	1.52
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1	Section 4. Subsection (1), paragraph (a) of subsection	1.53
2	(2), and paragraph (b) of subsection (4) of section 741.30,	1.54
3	Florida Statutes, are amended to read:	1.55
4	741.30 Action by-spouse for injunction for protection	1.57
5	against domestic violence; powers and duties of court and	
6	clerk of court; filing and form of petition for injunction;	1.58
7	notice and hearing; temporary injunction; issuance of	
8	injunction; enforcement.--	1.59
9	(1) As used in this section, the term:	1.60
10	(a) "Domestic violence" means <u>any act or threatened</u>	1.62
11	<u>act of assault, battery, or sexual battery by a person against</u>	
12	<u>another individual to whom such person is or was married or</u>	1.65
13	<u>with whom such person is or was cohabitating, any assault;</u>	1.65
14	battery, or sexual battery by a person against the person's	
15	spouse.	1.67
16	(b) " <u>Cohabiting</u> " means members of the opposite sex	1.68
17	<u>living in a single dwelling unit as conjugal partners, though</u>	1.70
18	<u>not legally married. "Spouse" means a person to whom another</u>	1.70
19	person is married or a person to whom another person has been	1.72
20	married and from whom such person is now separated or	
21	divorced.	1.73
22	(2) There is created a cause of action for an	1.74
23	injunction for protection in cases of domestic violence.	1.76
24	(a) Any <u>person</u> spouse who is the victim of any act of	1.78
25	domestic violence has standing in the circuit court to file a	1.80
26	sworn petition for an injunction for protection against	1.81
27	domestic violence.	
28	(4)	1.82
29	(b) The sworn petition <u>may</u> shall be in substantially	1.82
30	the following form:	1.83
31	PETITION FOR	1.84

1	INJUNCTION FOR PROTECTION	1.82
2	AGAINST DOMESTIC VIOLENCE	1.82
3		
4	Before me, the undersigned authority, personally appeared	1.83
5	Petitioner ...(Name)..., who has been sworn and says that the	1:u1
6	following statements are true:	
7	(a) Petitioner resides at: ...(address)...	2.1
8	(b) Respondent resides at: ...(address)...	2.3
9	(c) <u>Petitioner is or was married to the respondent or</u>	2.4
10	<u>is or was cohabitating with the respondent is-the-spouse-or</u>	2.5
11	<u>former-spouse-of-the-Petitioner.</u>	2.6
12	(d) Petitioner has suffered domestic violence because	2.7
13	respondent has:.....	
14	(e) Petitioner alleges the following additional	2.8
15	specific facts: (mark appropriate sections)	2.10
16	.... Petitioner is the custodian of a minor child or	1:LN
17	children whose names and ages are as follows:.....	
18	.... Petitioner needs the exclusive use and possession	1:LN
19	of the dwelling that the parties share.	2.14
20	.... Petitioner is unable to obtain safe alternative	1:LN
21	housing because:	
22	.... Petitioner genuinely fears that respondent will	1:LN
23	abuse, remove, or hide the minor child or children from	2.18
24	petitioner because:.....	
25	(f) Petitioner genuinely fears domestic violence by	2.20
26	respondent.	
27	(g) Petitioner seeks: (mark appropriate section or	2.23
28	sections)	
29 An immediate injunction restraining the respondent	1:LN
30	from committing any acts of domestic violence.	2.25
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1 An injunction restraining the respondent from	1:LN
2	committing any acts of domestic violence.	2.27
3	.... An injunction awarding to the petitioner the	1:LN
4	temporary exclusive use and possession of the dwelling that	2.28
5	the parties share or excluding the respondent from the	2.29
6	residence of the petitioner.	
7	.... An injunction awarding temporary custody of, or	2.30
8	temporary visitation rights with regard to, the minor child or	2.31
9	children of the parties.	2.32
10	.... An injunction establishing temporary support for	1:LN
11	the minor child or children or the petitioner.	2.34
12	.... An injunction directing the respondent to	1:LN
13	participate in treatment or counseling services.	2.36
14	.... An injunction providing any terms the court deems	1:LN
15	necessary for the protection of a victim of domestic violence,	2.40
16	including any injunctions or directives to law enforcement	2.41
17	agencies.	
18	Section 5. This act shall take effect October 1, 1986.	2.42
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20	*****	
21	HOUSE SUMMARY	
22	Redefines "domestic violence" to change the acts which	
23	constitute such violence and to include certain victims	
24	other than spouses. Defines the term "cohabitating."	
25	Requires a police report about domestic violence to	
26	include specified particulars. Conforms provisions	
27	relating to actions for protection against domestic	
28	violence.	
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Date: April 4, 1986

Revised: April 23, 1986

Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON CRIMINAL JUSTICE
STAFF ANALYSIS

17 1534

BILL #: CS/HB 456

RELATING TO: Definition of domestic violence

SPONSOR(S): Gordon

EFFECTIVE DATE: October 1, 1986

COMPANION BILL(S): None

OTHER COMMITTEES OF REFERENCE: (1) _____

(2) _____

I. SUMMARY:

A. Present Situation:

Chapter 415, Florida Statutes, is entitled "Protection from Abuse, Neglect, and Exploitation". Specifically, ss. 415.601 - 415.608 address the issue of domestic violence by vesting the Department of Health and Rehabilitative Services with authority to certify domestic violence centers (to provide support services to victims), to study the "...prevention, care, treatment, and rehabilitation..." of victims and perpetrators, and to join others in a "...concerted effort to prevent domestic violence". Under s. 415.604, HRS is required to file an annual report to the Legislature on the existence of domestic violence in the state and preventive efforts undertaken by the Department in concert with others.

Section 741.29, Florida Statutes, requires law enforcement officers investigating incidents of domestic violence to assist victims in seeking support services from a domestic violence center and to inform victims of certain rights to a domestic violence restraining order. The section also requires investigating officers to complete an incident report, even if an arrest is not made.

Section 741.30 relates to injunctions for protection against domestic violence. "Domestic violence" is defined as "any assault, battery or sexual battery" against a spouse or former spouse. An aggrieved spouse or former spouse might obtain the issuance of an injunction against the abusing spouse for any of the following relief:

1. Restraining an abusing party.

2. Exclusion from the home of the abusing party.
3. Temporary custody of minor children.
4. Temporary child support or alimony.
5. Required counseling for the abusing party.

Violations by the abusing party may subject the violator to arrest and enforcement (through contempt proceedings) by the judge who issued the injunction. The Clerk of the court is required to provide simplified forms to a petitioner and assist in the preparation of the necessary documents. If the petitioner is financially unable to pay filing fees or sheriff's fees (for service of process), the fees are waived, subject to a subsequent order of the court for payment.

B. Effect of Proposed Changes:

The would enlarge the definition for "domestic violence centers" and the availability of domestic violence restraining orders to persons who are or were living together. In this category, persons living together would include only non-married couples (of the opposite sex) acting as "conjugal partners". Under current law, only a spouse or ex-spouse has standing to petition the court for relief or to seek support services from a "domestic violence center".

The bill would also remove the requirement that the petitioner actually suffer an act of violence (now defined as an assault, battery or sexual battery) before she could obtain a restraining order. Under the bill, if a potential respondent has "threatened" to commit an act of domestic violence, then the victim may petition the court without having to actually suffer the act itself.

Finally, incident reports made by law enforcement officers in response to domestic disturbance calls would include information on injuries, intoxication of an abuser or the presence of any weapons.

II. ECONOMIC IMPACT:

A. Public:

Domestic violence centers around the state are partially funded by the Department of Health and Rehabilitative Services. While these support facilities, under current law, are authorized to provide (with the Department of Health and Rehabilitative Services money) assistance to victims (a spouse or ex-spouse), additional victims under the broadened definition of "domestic violence" would be eligible for help. However, some centers contacted already provide some non-marital victims with shelter and assistance and statewide, a waiting list of 9,000 victims has been reported.

B. Government:

None

III. STATE COMPREHENSIVE PLAN IMPACT:

The bill complies with paragraphs 10 and 11 of section 3 dealing with Families in that "family violence" prevention is addressed. In addition, paragraph 11 of the Public Safety section calls for the "...protection of individual personal safety..." through preventive measures.

IV. COMMENTS:

None

V. AMENDMENTS:

VI. STAFF DIRECTOR:



J. Thomas Wright

1987 session documents

FLORIDA LEGISLATURE

History of Legislation ***1987 Regular Session*** ***1987 Special Session A***



prepared by:

Joint Legislative Management Committee

Legislative Information Division
Capitol Building, Room 826 — 488-4371

HISTORY OF SENATE BILLS

S 992 (CONTINUED)
 05/07/87 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
 05/21/87 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
 06/06/87 SENATE Died in Committee on Economic, Community and Consumer Affairs

S 993 GENERAL BILL/CS by Education; Weinstein (Similar H 896)
Student Fees/Exemptions, exempts certain students from payment of postsecondary fees, authorizes district school boards to establish scholarship funds & provide criteria for award of scholarships Amends 230 645 Effective Date 07/01/87
 04/13/87 SENATE Filed
 04/23/87 SENATE Introduced, referred to Education, Appropriations -SJ 153
 05/01/87 SENATE Extension of time granted Committee Education
 05/08/87 SENATE On Committee agenda—Education, 05/12/87, 2 00 pm, Room-A
 05/12/87 SENATE Comm Report: CS by Education -SJ 325
 05/14/87 SENATE CS read first time -SJ 330; Now in Appropriations -SJ 325
 05/21/87 SENATE Extension of time granted Committee Appropriations
 06/06/87 SENATE Died in Committee on Appropriations

S 994 GENERAL BILL/CS/ENG by Judiciary-Civil; Weinstein (Similar CS/H 545)
Domestic Violence/Injunctive Relief, provides cause of action for injunctive relief to any family member who is being victimized, redefines "domestic violence" by changing definition of who constitutes victim of such violence, conforms provisions re actions for protection against domestic violence Amends 741 30 Effective Date: 10/01/87
 04/13/87 SENATE Filed
 04/23/87 SENATE Introduced, referred to Judiciary-Civil -SJ 153
 04/30/87 SENATE On Committee agenda—Judiciary-Civil, 05/04/87, 2 00 pm, Room-B—Temporarily postponed
 05/01/87 SENATE Extension of time granted Committee Judiciary-Civil
 05/12/87 SENATE On Committee agenda—Judiciary-Civil, 05/12/87, 2 00 pm, Room-B -SJ 280, Comm Report CS by Judiciary-Civil, placed on Calendar -SJ 325
 05/19/87 SENATE CS read first time -SJ 330
 06/03/87 SENATE Placed on Consent Calendar -SJ 628, CS passed as amended, YEAS 33 NAYS 0 -SJ 652
 06/03/87 HOUSE In Messages
 06/04/87 HOUSE Received, placed on Calendar -HJ 1135, Read second time, Read third time, CS passed, YEAS 114 NAYS 0 -HJ 1136
 Ordered enrolled -SJ 722
 06/04/87 Signed by Officers and presented to Governor
 06/29/87 Approved by Governor, Chapter No 87-395
 07/14/87

S 995 GENERAL BILL by Hill (Similar H 719)
Corrections Personnel/Assault, provides enhanced penalties for assault or battery of employees & agents of Corrections Dept., provides penalties for resisting state correctional officers with violence Amends 784 07, 843 01 Effective Date 10/01/87.
 04/13/87 SENATE Filed
 04/23/87 SENATE Introduced, referred to Judiciary-Criminal, Appropriations -SJ 153
 05/04/87 SENATE On Committee agenda—Judiciary-Criminal, 05/06/87, 2 00 pm, Room-C
 05/06/87 SENATE Comm Report. Favorable by Judiciary-Criminal -SJ 271
 05/07/87 SENATE Now in Appropriations -SJ 271
 05/21/87 SENATE Extension of time granted Committee Appropriations
 06/06/87 SENATE Died in Committee on Appropriations

S 996 GENERAL BILL by Hill (Compare CS/ENG/H 992)
Prisoners/Transferring Custody, provides procedures for temporarily transferring custody of state prisoner from Corrections Dept. to sheriff in specified circumstances, places restrictions on release of such prisoner by court or sheriff, requires clerk of circuit court to provide certain documents Amends 944 17 Effective Date Upon becoming law
 04/13/87 SENATE Filed
 04/23/87 SENATE Introduced, referred to Corrections, Probation and Parole -SJ 154
 05/01/87 SENATE Extension of time granted Committee Corrections, Probation and Parole
 05/04/87 SENATE On Committee agenda—Corrections, Probation and Parole, 05/06/87, 2:00 pm, Room-B
 05/06/87 SENATE Comm Report. Favorable by Corrections, Probation and Parole, placed on Calendar -SJ 272
 06/06/87 SENATE Died on Calendar, Iden./Sim /Compare Bill passed, refer to CS/HB 992 (Ch 87-211)

S 997 GENERAL BILL by Hill (Compare CS/ENG/H 992, H 1360, CS/S 1088)
Prisoners/Public Works Projects, provides that persons convicted of certain sex offenses are ineligible to participate in public works projects Amends 946 40 Effective Date 10/01/87
 04/13/87 SENATE Filed

S 997 (CONTINUED)
 04/23/87 SENATE Introduced, referred to Corrections, Probation and Parole -SJ 154
 05/01/87 SENATE Extension of time granted Committee Corrections, Probation and Parole
 05/04/87 SENATE On Committee agenda—Corrections, Probation and Parole, 05/06/87, 2 00 pm, Room-B—Temporarily postponed
 05/15/87 SENATE Extension of time granted Committee Corrections, Probation and Parole
 05/28/87 SENATE Extension of time granted Committee Corrections, Probation and Parole
 06/06/87 SENATE Died in Committee on Corrections, Probation and Parole, Iden /Sim /Compare bill passed, refer to CS/HB 992 (Ch 87-211)

S 998 GENERAL BILL by Hill (Similar H 1356)
Prisoners/Employee Benefit T.F., provides sources of funds & uses of Employee Benefit Trust Fund Amends 945 215 Effective Date 07/01/87 or upon becoming law, whichever occurs later
 04/13/87 SENATE Filed
 04/23/87 SENATE Introduced, referred to Corrections, Probation and Parole, Appropriations -SJ 154
 05/01/87 SENATE Extension of time granted Committee Corrections, Probation and Parole
 05/07/87 SENATE On Committee agenda—Corrections, Probation and Parole, 05/11/87, 9 00 am, Room-B
 05/11/87 SENATE Comm Report. Favorable with 2 amendment(s) by Corrections, Probation and Parole -SJ 271, Now in Appropriations -SJ 271
 05/21/87 SENATE Extension of time granted Committee Appropriations
 06/05/87 SENATE Withdrawn from Appropriations -SJ 787, Placed on Special Order Calendar -SJ 863, Amendments failed, Iden / Sim House Bill substituted, Laid on Table under Rule, Iden /Sim /Compare Bill passed, refer to HB 1356 (Ch 87-233) -SJ 879

S 999 GENERAL BILL by Woodson (Identical H 1149, Similar H 901)
Mobile Home Inspection, provides for deposit of certain inspection fees, provides for establishment & use of mobile home & recreational vehicle inspection fees by H S M V Dept. Amends 215 22, 320 8255, 8256 Effective Date 07/01/87 or upon becoming law, whichever occurs later
 04/13/87 SENATE Filed
 04/23/87 SENATE Introduced, referred to Transportation; Finance, Taxation and Claims, Appropriations -SJ 154
 05/01/87 SENATE Extension of time granted Committee Transportation
 05/15/87 SENATE Extension of time granted Committee Transportation
 05/28/87 SENATE Extension of time granted Committee Transportation
 06/06/87 SENATE Died in Committee on Transportation

S 1000 GENERAL BILL by Hill and others (Identical H 437)
Horsingracing, provides legislative intent, revises allocation of horsingracing periods of operation, revises formula re tax on handle for thoroughbred horse racing, revises language re summer thoroughbred horse racing season Amends 550 081, 09, 41 Effective Date Upon becoming law
 04/13/87 SENATE Filed
 04/23/87 SENATE Introduced, referred to Commerce, Finance, Taxation and Claims -SJ 154
 05/08/87 SENATE Extension of time granted Committee Commerce
 05/25/87 SENATE Extension of time granted Committee Commerce
 06/06/87 SENATE Died in Committee on Commerce

S 1001 JOINT RESOLUTION by Woodson
Homestead Tax Exemption, constitutional amendment to tax first \$10,000 of assessed value of homestead property & exempt the next \$25,000 of assessed value Amends s. 6, Art. VII
 04/13/87 SENATE Filed
 04/23/87 SENATE Introduced, referred to Finance, Taxation and Claims, Rules and Calendar -SJ 154
 05/04/87 SENATE Extension of time granted Committee Finance, Taxation and Claims
 05/11/87 SENATE On Committee agenda—Finance, Taxation and Claims, 05/13/87, 2 00 pm, Room-1C
 05/13/87 SENATE Comm Report Favorable by Finance, Taxation and Claims -SJ 324
 05/14/87 SENATE Now in Rules and Calendar -SJ 324
 05/15/87 SENATE Extension of time granted Committee Rules and Calendar
 05/29/87 SENATE Extension of time granted Committee Rules and Calendar
 06/06/87 SENATE Died in Committee on Rules and Calendar

S 1002 GENERAL BILL by Hollingsworth and others (Similar ENG/H 1111)
Cable TV/R or X-Rated Movies, prohibits owners or operators of cable television systems from sending, transmitting, or retransmitting by cable television system R-rated or X-rated movies or unrated sexually explicit programming during a promotional "free weekend" or other advertising period Effective Date 10/01/87
 04/13/87 SENATE Filed
 04/23/87 SENATE Introduced, referred to Economic, Community and Consumer Affairs -SJ 154

HISTORY OF HOUSE BILLS

H 543 (CONTINUED)

05/05/87 HOUSE On Committee agenda—Finance & Taxation, 05/07/87, 1 30 pm, 21 HOB, for ratification of subreferral
 06/06/87 HOUSE Died in Committee on Finance & Taxation

H 544 JOINT RESOLUTION by Kelly (Similar S 919, Compare H 30, H 64, H 107, H 794, H 1101, S 10, S 17, S 262, CS/ENG/S 777, S 1101) Sales Tax/Exemptions, constitutional amendment to exempt food & drink for human consumption, medicine, health care services & attorney's services, as defined by law, from sales tax Creates s 17, Art. VII

03/17/87 HOUSE Prefiled
 03/25/87 HOUSE Referred to Judiciary; Finance & Taxation, Appropriations
 04/07/87 HOUSE Introduced, referred to Judiciary, Finance & Taxation; Appropriations—HJ 51
 04/28/87 HOUSE Subreferred to Subcommittee on Court Systems, Probate and Consumer Law; On Committee agenda—Judiciary, 04/30/87, 5:00 am, 214C, for ratification of subreferral
 06/06/87 HOUSE Died in Committee on Judiciary, Iden/Sim/Compare bill passed, refer to CS/SB 777 (Ch. 87-6)

H 545 GENERAL BILL/CS by Criminal Justice; Gordon and others (Similar CS/ENG/S 994)

Domestic Violence/Cohabitant Victim, provides a cause of action for injunctive relief to any family member or cohabitant who is being victimized; redefines "domestic violence" by changing definition of who constitutes a victim of such violence, conforms provisions re actions for protection against domestic violence Amends 741.30 Effective Date 10/01/87

03/17/87 HOUSE Prefiled
 03/25/87 HOUSE Referred to Criminal Justice
 04/03/87 HOUSE Subreferred to Subcommittee on Human Resources
 04/07/87 HOUSE Introduced, referred to Criminal Justice—HJ 51; Subreferred to Subcommittee on Human Resources
 04/10/87 HOUSE On subcommittee agenda—Criminal Justice, 04/14/87, 9:00 am, 217 HOB
 04/17/87 HOUSE On Committee agenda—Criminal Justice, 04/21/87, 3 30 pm, Morris Hall—No action
 04/23/87 HOUSE On Committee agenda—Criminal Justice, 04/27/87, 1:15 pm, Morris Hall
 04/27/87 HOUSE Preliminary Committee Action by Criminal Justice Favorable, as a Committee Substitute, to Calendar
 05/01/87 HOUSE Comm Report. CS by Criminal Justice, placed on Calendar—HJ 330, CS read first time—HJ 328
 06/01/87 HOUSE Placed on Special Order Calendar
 06/02/87 HOUSE Read second time; Read third time; CS passed, YEAS 76 NAYS 33—HJ 964
 06/02/87 SENATE In Messages
 06/03/87 SENATE Received, referred to Judiciary—Civil—SJ 629
 06/06/87 SENATE Died in Committee on Judiciary—Civil, Iden/Sim/Compare bill passed, refer to CS/SB 994 (Ch. 87-395)

H 546 JOINT RESOLUTION by Cosgrove (Identical S 1214) Justice of Judge Seventy Years Old, constitutional amendment to eliminate prohibition against service by justice or judge who has attained the age of seventy years Amends s. 8, Art. V

03/17/87 HOUSE Prefiled
 03/25/87 HOUSE Referred to Judiciary
 04/07/87 HOUSE Introduced, referred to Judiciary—HJ 51
 04/21/87 HOUSE Subreferred to Subcommittee on Court Systems, Probate and Consumer Law; On Committee agenda—Judiciary, 04/23/87, 10:00 am, 214C; for ratification of subreferral
 06/06/87 HOUSE Died in Committee on Judiciary

H 547 GENERAL BILL by Metcalf; Gordon (Similar H 1097, Compare H 1422, CS/S 925)

Traffic Infraction/Invalid License, deletes reference which specifies noncriminal infraction penalty for offense of driving without valid driver's license Amends 318.14 Effective Date: Upon becoming law

03/17/87 HOUSE Prefiled
 03/25/87 HOUSE Referred to Transportation, Appropriations
 04/07/87 HOUSE Introduced, referred to Transportation, Appropriations—HJ 51
 04/10/87 HOUSE On Committee agenda—Transportation, 04/14/87, 8 30 am, 214C, for subreferral
 04/14/87 HOUSE Subreferred to Subcommittee on Highway Safety and Motor Vehicles
 06/06/87 HOUSE Died in Committee on Transportation

H 548 GENERAL BILL/CS by Regulatory Reform; Lawson; Burnsed (Similar CS/ENG/S 413)

Sparklers & Fireworks/Regulations, provides for testing & approval of sparklers, provides for registration of sparkler manufacturers, distributors & wholesalers, requires that sparklers for sale to public be obtained only from registered manufacturers, distributors & wholesalers; requires certain evidence of such purchases, provides for exhibition of certain registration certificates, provides for enforcement, etc Amends 791.01, 02, 04, creates 791.013, 015 Appropriation \$82,567 Effective Date 07/15/87 or upon becoming law, whichever occurs later
 03/17/87 HOUSE Prefiled

H 548 (CONTINUED)

03/25/87 HOUSE Referred to Regulatory Reform, Finance & Taxation, Appropriations
 04/03/87 HOUSE Subreferred to Subcommittee on Technical and Consumer Resources
 04/07/87 HOUSE Introduced, referred to Regulatory Reform, Finance & Taxation, Appropriations—HJ 51, Subreferred to Subcommittee on Technical and Consumer Resources, On subcommittee agenda—Regulatory Reform, 04/08/87, 8:00 am, 317 HOB—Temporarily passed, On Committee agenda, pending subcommittee action—Regulatory Reform, 04/09/87, 10 00 am, Morris Hall—Not taken up
 04/24/87 HOUSE On subcommittee agenda—Regulatory Reform, 04/28/87, 1 15 pm, 217 HOB
 04/28/87 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, with 2 amendments; On Committee agenda—Regulatory Reform, 04/30/87, 5:00 am, Morris Hall
 04/30/87 HOUSE Preliminary Committee Action by Regulatory Reform Favorable, as a Committee Substitute
 05/05/87 HOUSE Withdrawn from—Finance & Taxation—HJ 360
 05/08/87 HOUSE Comm Report CS by Regulatory Reform—HJ 400; CS read first time—HJ 399; Now in Appropriations—HJ 400
 05/18/87 HOUSE Subreferred to Subcommittee on General Government
 05/28/87 HOUSE On Committee agenda—Appropriations, 05/28/87, 3 30 pm, 21 HOB, Preliminary Committee Action by Appropriations Favorable, with 2 amendments, to Calendar
 06/01/87 HOUSE Comm Report: Favorable with 2 amendment(s) by Appropriations, placed on Calendar—HJ 920
 06/02/87 HOUSE Placed on Special Order Calendar, Read second time, Iden/Sim Senate Bill substituted, Laid on Table under Rule, Iden/Sim/Compare Bill passed, refer to CS/SB 413 (Ch. 87-118)—HJ 1013

H 549 GENERAL BILL/ENG by Metcalf and others (Identical CS/S 1012, Similar CS/H 148, S 726, Compare ENG/H 1222, ENG/S 209)

Elections/Polling Rooms, provides for persons allowed in polling rooms, allows each political party & each candidate to have one watcher in each polling room at any one time during an election, adds polling room, where polling place is shopping center or mall, to requirements for solicitation of voters near polling places, modifies certain restrictions for soliciting near polling places, etc Amends 97.021, 101.121, 131, 102.031, repeals 104.36 Effective Date: 01/01/88.

03/17/87 HOUSE Prefiled
 03/25/87 HOUSE Referred to Ethics & Elections
 04/07/87 HOUSE Introduced, referred to Ethics & Elections—HJ 52
 04/17/87 HOUSE Subreferred to Subcommittee on Elections; On subcommittee agenda—Ethics & Elections, 04/21/87, 1 15 pm, 212 HOB
 04/21/87 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable; On Committee agenda—Ethics & Elections, 04/23/87, 8:00 am, 212 HOB
 04/23/87 HOUSE Preliminary Committee Action by Ethics & Elections Favorable, to Calendar
 04/27/87 HOUSE Comm Report: Favorable by Ethics & Elections, placed on Calendar—HJ 279
 04/29/87 HOUSE Placed on Special Order Calendar
 05/05/87 HOUSE Read second time, Amendments adopted—HJ 357
 05/06/87 HOUSE Read third time, Amendment adopted, Passed as amended, YEAS 110 NAYS 0—HJ 370
 05/07/87 SENATE In Messages
 05/19/87 SENATE Received, referred to Judiciary—Civil—SJ 333
 05/25/87 SENATE On Committee agenda—Judiciary—Civil, 05/26/87, 9 00 am, Room-B—SJ 414
 05/26/87 SENATE Comm Report Favorable by Judiciary—Civil, placed on Calendar—SJ 417
 06/02/87 SENATE Placed on Special Order Calendar—SJ 571, Passed; YEAS 32 NAYS 0—SJ 615
 06/02/87 Ordered enrolled
 06/16/87 Signed by Officers and presented to Governor
 06/30/87 Approved by Governor, Chapter No 87-184

H 550 RESOLUTION by Clark

Dillard High School Football Team, recognizes & commends Dillard High School football team members for their accomplishments in winning Class "AAAA" State Football Championship for 1986-1987 season

03/17/87 HOUSE Prefiled
 03/25/87 HOUSE Referred to Education, K - 12
 04/07/87 HOUSE Introduced, referred to Education, K - 12—HJ 52
 04/10/87 HOUSE On Committee agenda—Education, K - 12, 04/14/87, 10 00 am, 214C
 04/14/87 HOUSE Preliminary Committee Action by Education, K - 12 Favorable, to Calendar
 04/15/87 HOUSE Comm Report Favorable by Education, K - 12, placed on Calendar—HJ 134
 04/29/87 HOUSE Read second time, Adopted—HJ 318

By Senator Weinstein

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

1 A bill to be entitled
2 An act relating to domestic violence; amending
3 s. 741.30, F.S.; providing a cause of action
4 for injunctive relief to any family member or
5 cohabitant who is being victimized; providing
6 an effective date.

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

10 Section 1. Paragraphs (e) and (f) of subsection (2) of
11 section 741.30, Florida Statutes, 1986 Supplement, are
12 redesignated as paragraphs (f) and (g), respectively, and a
13 new paragraph (e) is added to said subsection, to read:

14 741.30 Action by-spouse for injunction for protection
15 against domestic violence; powers and duties of court and
16 clerk of court; filing and form of petition for injunction;
17 notice and hearing; temporary injunction; issuance of
18 injunction; enforcement.--

19 (2) There is created a cause of action for an
20 injunction for protection against domestic violence.

21 (e) This cause of action for an injunction may be
22 sought between persons residing within a single dwelling unit
23 as though members of one household. No person shall be
24 precluded from seeking injunctive relief pursuant to this
25 chapter solely on the basis that such person is not a spouse.

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

28 *****

29 HOUSE SUMMARY

30 Expands the protection of victims of domestic violence to
31 include injunctive relief for any family member or
cohabitant who is being victimized.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Wiehle ^{WJ}</u>	<u>Lester ^{RL}</u>	1. <u>JCI</u>	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Domestic Violence/
Cohabitant Victim

BILL NO. AND SPONSOR:

SB 994 by
Senator Weinstein

I. SUMMARY:

A. Present Situation:

Section 741.30, F.S., provides for an injunction for protection against domestic violence. Domestic violence is defined as any assault, battery, or sexual battery by a person against the person's spouse. Spouse is defined as a person to whom another person is married or a person to whom another person has been married and from whom such person is now separated or divorced. Any spouse who is the victim of any act of domestic violence can petition for an injunction.

B. Effect of Proposed Changes:

Senate Bill 994 would allow persons residing within a single dwelling unit as though members of one household to petition for an injunction for protection against domestic violence. The bill provides that no person is to be precluded from seeking an injunction solely on the basis that the person is not a spouse.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

Cohabitation is not defined in ch. 741, F.S., but it is defined in Blacks Law Dictionary as "living, or abiding or residing together as man and wife." The bill would allow injunctive relief against domestic violence to be sought between persons residing within a single dwelling unit as though members of one household. The bill's title indicates that the bill provides this protection for family members and cohabitants. Thus, the title would appear to be more restrictive than the subject of the bill thereby not providing sufficient notice in violation of Article III, s. 6, Fla. Const.

There is an identical House bill, HB 545.

IV. AMENDMENTS:

None.

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BILL VOTE SHEET

(VS-87: File with Secretary of Senate)

BILL NO. SB 994

COMMITTEE ON Judiciary-Civil

DATE May 12, 1987

FINAL ACTION:

TIME 2:00 - 5:00 P.M.

Favorably with amendments

PLACE Rm. B - Senate Office Bldg

Favorably with Committee Substitute

OTHER COMMITTEE REFERENCES:
(In order shown)

Unfavorably

OTHER: Temporarily Passed

Reconsidered

Not Considered

THE VOTE WAS:

FINAL BILL VOTE		SENATORS	PCS Weinsten									
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
x		Crenshaw	W									
x		Dudley	I									
x		Frank	T									
x		Jenne	H									
x		Weinsteen	O									
x		VICE CHAIRMAN Grant	U									
x		CHAIRMAN Langley	T									
			O									
			B									
			J									
			E									
			C									
			T									
			I									
			O									
			N									
7	0	TOTAL	x									
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

(Attach additional page if necessary)

Please Complete: The key sponsor appeared (x)
 A Senator appeared ()
 Sponsor's aide appeared ()
 Other appearance ()

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If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No <input type="checkbox"/>	Yes <input type="checkbox"/>
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and insert:

Section 1. Subsections (1) and (2) of section 741.30, Florida Statutes, 1986 Supplement, are amended to read:

741.30 Action ~~by spouse~~ for injunction for protection against domestic violence; powers and duties of court and clerk of court; filing and form of petition for injunction; notice and hearing; temporary injunction; issuance of injunction; enforcement.--

(1) As used in this section, the term:

(a) "Domestic violence" means any assault, battery, or sexual battery by a person against the person's spouse.

(b) "Spouse" means a person to whom another person is married or a person to whom another person has been married and from whom such person is now separated or divorced.

(c) "Family member" means a parent or a son or daughter.

(2) There is created a cause of action for an injunction for protection against domestic violence.

(a) Any spouse who is the victim of any act of domestic violence, or has reasonable cause to believe he or she is about to become the victim of any act of domestic

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

* Amendment No. __,	taken up by committee:	Adopted <input type="checkbox"/>	* <input type="checkbox"/>
* Offered by _____		Failed <input type="checkbox"/>	* <input type="checkbox"/>

(Amendment No. ____ Adopted ____ Failed ____ Date __/__/__)

5 sought whether or not any other cause of action is currently
6 pending between the parties. However, the pendency of any
7 such cause of action shall be alleged in the petition.

8 (c) In the event a subsequent cause of action is filed
9 under chapter 61, any orders entered therein shall take
10 precedence over any injunction issued under this section.

11 (d) A person's right to petition for an injunction
12 shall not be affected by such person having left a residence
13 or household to avoid domestic violence.

14 (e) This cause of action for an injunction may be
15 sought between family members. No person shall be precluded
16 from seeking injunctive relief pursuant to this chapter solely
17 on the basis that such person is not a spouse.

18 (f)(e) This cause of action for an injunction shall
19 not require that the petitioner be represented by an attorney.

20 (q)(f) Nothing in this section shall affect the title
21 to any real estate.

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

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If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No <input type="checkbox"/>	Yes <input type="checkbox"/>
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and insert:

A bill to be entitled

An act relating to domestic violence; amending
s. 741.30, F.S.; providing a definition;
providing a cause of action for injunctive
relief to any family member who is being
victimized; providing an effective date.

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

* Amendment No. __, taken up by committee: Adopted *

* Offered by _____ Failed *

(Amendment No. _____ Adopted Failed Date __/__/__)

By the Committee on Judiciary-Civil and Senator Weinstein

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

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A bill to be entitled

An act relating to domestic violence; amending s. 741.30, F.S.; providing a cause of action for injunctive relief to any family member who is being victimized; redefining "domestic violence" by changing the definition of who constitutes a victim of such violence; conforming provisions relating to actions for protection against domestic violence; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1), paragraph (a) of subsection (2), and paragraph (b) of subsection (4) of section 741.30, Florida Statutes, 1986 Supplement, are amended, paragraphs (e) and (f) of subsection (2) of said section are redesignated as paragraphs (f) and (g), respectively, and a new paragraph (e) is added to said subsection, to read:

741.30 Action by-spouse for injunction for protection against domestic violence; powers and duties of court and clerk of court; filing and form of petition for injunction; notice and hearing; temporary injunction; issuance of injunction; enforcement.--

(1) As used in this section, the term:

(a) "Domestic violence" means any assault, battery, or sexual battery by a person against the person's spouse or against any other person related by blood or marriage to the petitioner or respondent, who is or was residing in the same single dwelling unit.

1 (2) There is created a cause of action for an
2 injunction for protection against domestic violence.

3 (a) Any spouse, or any person described in paragraph
4 (e), who is the victim of any act of domestic violence, or has
5 reasonable cause to believe he or she is about to become the
6 victim of any act of domestic violence, has standing in the
7 circuit court to file a sworn petition for an injunction for
8 protection against domestic violence.

9 (e) This cause of action for an injunction may be
10 sought between persons related by blood or marriage who are or
11 were residing within a single dwelling unit as though members
12 of one household. No person shall be precluded from seeking
13 injunctive relief pursuant to this chapter solely on the basis
14 that such person is not a spouse.

15 (4)

16 (b) The sworn petition shall be in substantially the
17 following form:

18 PETITION FOR
19 INJUNCTION FOR PROTECTION
20 AGAINST DOMESTIC VIOLENCE

21
22 Before me, the undersigned authority, personally appeared
23 Petitioner ...(Name)..., who has been sworn and says that the
24 following statements are true:

25 (a) Petitioner resides at: ...(address)...

26 (b) Respondent resides at: ...(address)...

27 (c) Respondent is the spouse or former spouse of the
28 petitioner or is any other person related by blood or marriage
29 to the petitioner who is or was residing within a single
30 dwelling unit with the petitioner.

31

1 (d) The following describes any other cause of action
2 currently pending between the petitioner and respondent:
3

4 (e) Petitioner has suffered or has reasonable cause to
5 fear domestic violence because respondent has:

6 (f) Petitioner alleges the following additional
7 specific facts: (mark appropriate sections)
8 Petitioner is the custodian of a minor child or
9 children whose names and ages are as follows:

10 Petitioner needs the exclusive use and possession
11 of the dwelling that the parties share.
12 Petitioner is unable to obtain safe alternative
13 housing because.

14 Petitioner genuinely fears that respondent will
15 abuse, remove, or hide the minor child or children from
16 petitioner because:

17 (g) Petitioner genuinely fears domestic violence by
18 respondent.

19 (h) Petitioner seeks an injunction: (mark appropriate
20 section or sections)
21 Immediately restraining the respondent from
22 committing any acts of domestic violence.
23 Restraining the respondent from committing any
24 acts of domestic violence.
25 Awarding to the petitioner the temporary exclusive
26 use and possession of the dwelling that the parties share or
27 excluding the respondent from the residence of the petitioner.
28 Awarding temporary custody of, or temporary
29 visitation rights with regard to, the minor child or children
30 of the parties.
31

1 Establishing temporary support for the minor child
2 or children of the petitioner.

3 Directing the respondent to participate in
4 treatment or counseling services.

5 Providing any terms the court deems necessary for
6 the protection of a victim of domestic violence, including any
7 injunctions or directives to law enforcement agencies.

8 Section 2. This act shall take effect October 1, 1987.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 994

The committee substitute would allow persons related by blood
or marriage who are or were residing within the same single
dwelling unit to petition for an injunction for protection
against domestic violence.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

	<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1.	Wiehle ^W	Lester BL	1. JCI	FAV/CS
2.	_____	_____	2. _____	_____
3.	_____	_____	3. _____	_____
4.	_____	_____	4. _____	_____

SUBJECT:

Domestic Violence/
Cohabitant Victim

BILL NO. AND SPONSOR:

CS/SB 994 by Judiciary-Civil
and Senator Weinstein

I. SUMMARY:

A. Present Situation:

Section 741.30, F.S., provides for an injunction for protection against domestic violence. Domestic violence is defined as any assault, battery, or sexual battery by a person against the person's spouse. Spouse is defined as a person to whom another person is married or a person to whom another person has been married and from whom such person is now separated or divorced. Any spouse who is the victim of any act of domestic violence can petition for an injunction.

B. Effect of Proposed Changes:

The committee substitute would allow persons related by blood or marriage who are or were residing within the same single dwelling unit to petition for an injunction for protection against domestic violence.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

There is a similar House bill, CS/HB 545.

IV. AMENDMENTS:

None.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 994

The committee substitute would allow persons related by blood or marriage who are or were residing within the same single dwelling unit to petition for an injunction for protection against domestic violence.

Committee on Judiciary-Civil

Bob Lester
Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)

Journal
of the
S E N A T E
State of Florida

NINETEENTH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 7 THROUGH JUNE 6, 1987



this chapter, committed within a municipality shall be paid and distributed to the municipality, and the remainder shall be paid to the county The funds payable to a special improvement district, as created by s 285 17, which is located in a charter county shall be determined in the same manner as the funds payable to municipalities in that county All fines and forfeitures received by any county court as the result of citations issued pursuant to s 316.640(2)(b)1 shall be paid to the county whether or not such citations are issued for parking violations occurring within a municipality or special improvement district, as created by s 285 17

Section 2 Subsections (1) and (3) of section 318 21, Florida Statutes, are amended to read.

318.21 Disposition of civil penalties by county courts —All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows

(1) If the violation occurred within a municipality or a special improvement district of the Seminole and Miccosukee Indian Tribes

(a) Twenty-five percent shall be paid to the General Revenue Fund of the state; and

(b) Seventy-five percent shall be paid to the municipality or a special improvement district of the Seminole and Miccosukee Indian Tribes

(3)(a) Moneys paid to the General Revenue Fund of the state under subsections (1) and (2) shall be distributed as follows:

1. Forty percent shall be deposited in the Emergency Medical Services Trust Fund for the purposes set forth in s 401 113,

2 Twenty-five percent shall be deposited in the Additional Court Cost Clearing Trust Fund established pursuant to s 943 25 for criminal justice purposes; and

3 The remainder may be used for any lawful purpose.

(b) Moneys paid to a municipality or special improvement district of the Seminole and Miccosukee Indian Tribes under subsection (1) shall be used to fund local criminal justice training as provided in s 943 25(7), when such a program is established by ordinance; to fund a municipal school crossing guard program, when such a program is established by ordinance, and for any other lawful purpose

(c) Moneys paid to a county under subsection (2) shall be used to fund local criminal justice training as provided in s 943 25(7) when such a program is established by ordinance, to fund a county school crossing guard program, when such a program is established by ordinance, and for any other lawful purpose

Section 3 This act shall take effect upon becoming a law

Amendment 6—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to traffic infractions, amending s. 316.660, F.S.; providing that fines collected by a county court for certain traffic violations be divided among certain special improvement districts and the county in which such fines were collected; amending s 318.21, F.S., providing that a portion of certain fines collected by a county court be paid to certain special improvement districts; providing an effective date.

On motion by Senator Ros-Lehtinen, by two-thirds vote SB 842 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kirkpatrick	Ros-Lehtinen
Brown	Grant	Kiser	Scott
Childers, D.	Grizzle	Langley	Stuart
Childers, W. D.	Hair	Lehtinen	Thomas
Crenshaw	Hill	Malchon	Thurman
Deratany	Hollingsworth	McPherson	Weinstein
Dudley	Jenne	Meek	Weinstock
Frank	Jennings	Myers	Woodson
Girardeau	Johnson	Peterson	

Nays—None

CS for SB 994—A bill to be entitled An act relating to domestic violence, amending s 741 30, F.S., providing a cause of action for injunctive relief to any family member who is being victimized, redefining "domestic violence" by changing the definition of who constitutes a victim of such violence, conforming provisions relating to actions for protection against domestic violence, providing an effective date

—was read the second time by title

Senator Weinstein moved the following amendment which was adopted:

Amendment 1—On page 2, lines 11 and 12, strike "as though members of one household"

On motion by Senator Weinstein, by two-thirds vote CS for SB 994 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was.

Yeas—33

Beard	Gordon	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	McPherson	Thurman
Childers, W. D.	Hollingsworth	Meek	Weinstein
Crawford	Jenne	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson
Dudley	Johnson	Plummer	
Frank	Kirkpatrick	Ros-Lehtinen	
Girardeau	Langley	Scott	

Nays—None

Vote after roll call:

Yea—Grant

SB 656—A bill to be entitled An act relating to the investment of financial assets, amending s 744.444, F.S., providing that a guardian may invest estate assets in securities guaranteed by the full faith and credit of the Federal Government, providing an effective date

—was read the second time by title. On motion by Senator Plummer, by two-thirds vote SB 656 was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—34

Beard	Grant	Kiser	Ros-Lehtinen
Brown	Grizzle	Langley	Scott
Childers, D.	Hair	Lehtinen	Thomas
Childers, W. D.	Hill	Malchon	Thurman
Crenshaw	Hollingsworth	Margolis	Weinstein
Dudley	Jenne	McPherson	Weinstock
Frank	Jennings	Meek	Woodson
Girardeau	Johnson	Peterson	
Gordon	Kirkpatrick	Plummer	

Nays—None

CS for SB 763—A bill to be entitled An act relating to educational facilities; amending s. 235.41, F.S.; requiring the Commissioner of Education, in consultation with the legislative appropriations committees, to provide annually to the State Board of Community Colleges and the Board of Regents an estimate of funds to be utilized by the boards in developing their 3-year priority lists, amending s 235 435, F.S., providing certain restrictions on the inclusion of certain projects on 3-year priority lists, providing for the carrying forward of certain unfunded projects on such lists; providing an effective date

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote CS for SB 763 was read the third time by title, passed and certified to the House. The vote on passage was.

Yeas—39

Barron	Childers, D.	Crenshaw	Frank
Beard	Childers, W. D.	Deratany	Girardeau
Brown	Crawford	Dudley	Gordon

By Representative Gordon

1 A bill to be entitled
 2 An act relating to domestic violence; amending
 3 s. 741.30, F.S.; providing a cause of action
 4 for injunctive relief to any family member or
 5 cohabitant who is being victimized; providing
 6 an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:

This publication was produced at an average cost of 15 cents per
 single page in compliance with the Rules and for the information
 of Members of the Legislature and the public

9
 10 Section 1. Paragraphs (e) and (f) of subsection (2) of
 11 section 741.30, Florida Statutes, 1986 Supplement, are
 12 redesignated as paragraphs (f) and (g), respectively, and a
 13 new paragraph (e) is added to said subsection, to read:

14 741.30 Action by-spouse for injunction for protection
 15 against domestic violence; powers and duties of court and
 16 clerk of court; filing and form of petition for injunction;
 17 notice and hearing; temporary injunction; issuance of
 18 injunction; enforcement.--

19 (2) There is created a cause of action for an
 20 injunction for protection against domestic violence.

21 (e) This cause of action for an injunction may be
 22 sought between persons residing within a single dwelling unit
 23 as though members of one household. No person shall be
 24 precluded from seeking injunctive relief pursuant to this
 25 chapter solely on the basis that such person is not a spouse.

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

HOUSE SUMMARY

Expands the protection of victims of domestic violence to include injunctive relief for any family member or cohabitant who is being victimized.

CODING Words in ~~struck through type~~ are deletions from existing law, words underlined are additions

Date: April 13, 1987

Revised: _____

Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON CRIMINAL JUSTICE
STAFF ANALYSIS

19 1729

BILL #: HB 545

RELATING TO: Injunctions against domestic violence

SPONSOR(S): Representative Gordon

EFFECTIVE DATE: Upon becoming a law

COMPANION BILL(S): _____

OTHER COMMITTEES OF REFERENCE: (1) _____

(2) _____

I. SUMMARY:

A. Present Situation

Section 741.30, F.S. currently provides for an action for injunction for protection against domestic violence. The action is available to any "spouse" who is the victim of any domestic violence, or has reasonable cause to believe he or she is about to become the victim of domestic violence. (F.S. 741.30(2))

"Spouse" is defined as "a person to whom another person is married or a person to whom another person has been married and from whom such person is now separated or divorced." (F.S. 741.30(1)(b))

"Domestic violence" is defined as "any assault, battery, or sexual battery by a person against the person's spouse." (F.S. 741.30(1)(a))

B. Effect of Proposed Changes

This bill would add a new subsection to s. 741.30(2), F.S., providing that the cause of action for an injunction may be sought "between persons residing within a single dwelling unit as though members of one household." The bill also provides that "no person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse."

II. ECONOMIC IMPACT:

A. Public:

None apparent

B. Government:

The bill provides standing in injunction proceedings to many persons who previously did not have it. This may have a fiscal impact on the court system, but the actual impact is indeterminable at this time.

III. STATE COMPREHENSIVE PLAN IMPACT:

The bill is consistent with paragraphs 10 and 11 of s. 187.201(3), F. S., prevention of family violence and support for victims of family violence. The bill is also consistent with paragraph 11 of s. 187.201(7), F. S., protection of individual personal safety.

IV. COMMENTS:

A proposal similar to this bill (CS/HB 456, 1986) passed the House of Representatives during the 1986 legislative session (House Journal 746). However, the bill died in the Senate Committee on Health and Rehabilitative Services. The 1986 bill conferred standing for an injunction action between persons who were or had been "cohabitating." Cohabitating was defined as "members of the opposite sex living in a single dwelling unit as conjugal partners, though not legally married." The current bill would apply to any two persons residing in the same household.

Some additional technical changes may need to be made to s. 741.30 if this bill is passed. Subsection (1)(a) of s. 741.30 defines "domestic violence" as violence against a person's spouse. To make this definition consistent with the new provision, it may need to be expanded to include violence against "a person residing in the same dwelling unit as though a member of the same household."

Subsection (2)(a) of s. 741.30 provides that any "spouse" who is a victim, or who is about to be a victim of domestic violence, has standing to seek an injunction. This is also inconsistent with the provisions of this bill, which confers standing on non-spouses.

Finally, subsection (4)(c) of s. 741.30 requires the petition for injunction to state in substantially similar form that "respondent is the spouse or former spouse of the petitioner." Extension of this statement to non-spouses who have standing under the bill is not technically necessary, but may be desirable in order to achieve consistency.

Three amendments and a title amendment reflecting these technical changes have been prepared by staff and are attached.

V. AMENDMENTS:

None.

VI. PREPARED BY: Mark A. Massey
Legislative Intern

VII. STAFF DIRECTOR: Bill Ryan

19 1729

SUBCOMMITTEE REPORT/INFORMATION RECORD

House of Representatives

File with Parent Committee

To Chairman, Committee on Criminal Justice

Subcommittee on Human Resources

Date of meeting April 14, 1987

Time 9.00 a.m.

Place 217 HOB

Bill No HB 545

FINAL ACTION: FAVORABLE
X FAVORABLE WITH 4 AMENDMENTS
FAVORABLE WITH SUBSTITUTE
UNFAVORABLE

VOTE:

Table with 3 columns: YEA, MEMBER, NAY. Rows include Mike Abrams, Lois Frankel, Elaine Gordon, Javier Souto (A), David Thomas (A), and Anne Mackenzie, Chr.

Total Yeas 4

Table with 3 columns: YEA, MEMBER, NAY. All cells are empty.

Total Nays 0

Handwritten signature of Anne Mackenzie

Subcommittee Chairman
Rep. Anne Mackenzie

SUBCOMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill:

Table with 3 columns: Name, Representing, Address. Multiple empty rows for recording appearances.

(If additional persons, enter on reverse side and check here)

NOTE: Please indicate by an "x" any State employee appearing at the request of Subcommittee Chairman.

Received by Parent Committee

Date

Received by

Sub Full
Action _____
Date _____

HOUSE AMENDMENT FOR DRAFTING ONLY

1 Amendment No 1 Bill No. HB 545
2 Committee on _____
3 Offered by Rep(s) _____

4
5 On page , insert between lines 25 & 26.

6
7 Section 2. Paragraph (a) of subsection (1) of section 741.30,
8 F. S , 1986 Supplement, is amended to read:

9 741.30 Action ~~by-spouse~~ for injunction for protection
10 against domestic violence; powers and duties of court and
11 clerk of court; filing and form of petition for injunction;
12 notice and hearing; temporary injunction; issuance of
13 injunction; enforcement --

14 (1) As used in this section, the term:
15 (a) "Domestic violence" means any assault, battery, or
16 sexual battery by a person against the person's spouse or
17 against a person residing in the same single dwelling unit as
18 though a member of the same household.

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Sub File _____
Act. on _____
Date _____

HOUSE AMENDMENT FOR DRAFTING ONLY

1 Amendment No. 2 Bill No. 545
2 Committee on _____
3 Offered by Rep(s) _____

4
5 On page. 1... .. insert between lines 25 & 26,

6
7 Section 2. Subsection (b) of paragraph (4) of section
8 741.30, Florida Statutes, 1986 Supplement, is amended to read:

9 (4)(a) The sworn petition shall allege the existence
10 of such domestic violence and shall include the specific facts
11 and circumstances upon the basis of which relief is sought.

12 (b) The sworn petition shall be in substantially the
13 following form:

14 PETITION FOR
15 INJUNCTION FOR PROTECTION
16 AGAINST DOMESTIC VIOLENCE

17
18 Before me, the undersigned authority, personally appeared
19 Petitioner . . (Name)..., who has been sworn and says that the
20 following statements are true:

21 (a) Petitioner resides at: ... (address)...

22 (b) Respondent resides at: ... (address)...

23 (c) Respondent is the spouse or former spouse of the
24 petitioner or is or was residing within a single dwelling unit
25 with petitioner as though a member of the same household.

Sub. Title _____
Action _____
Date _____

HOUSE AMENDMENT FOR DRAFTING ONLY

1 Amendment No 3 Bill No. HB545
2 Committee on _____
3 Offered by Rep(s) _____

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5 On page...1...., insert between lines 25 & 26,

6
7 Section 2. Paragraph (a) of subsection (2) of section
8 741.30, Florida Statutes, 1986 Supplement, is amended to read

9 (2) There is created a cause of action for an
10 injunction for protection against domestic violence.

11 (a) Any spouse or any person described in paragraph
12 (e) of this subsection, who is the victim of any act of
13 domestic violence, or has reasonable cause to believe he or
14 she is about to become the victim of any act of domestic
15 violence, has standing in the circuit court to file a sworn
16 petition for an injunction for protection against domestic
17 violence.

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Sub/Full
Action _____

Date _____

HOUSE AMENDMENT FOR DRAFTING ONLY

1 Amendment No. 1 Bill No. HB 545

2 Committee on _____

3 Offered by Rep(s) _____

4

5 title

6

7 On page...1...., line...5....,

8

9 insert. after "victimized;":

10 redefining domestic violence by changing the definition

11 of who constitutes a victim of such violence; conforming

12 provisions relating to actions for protection against domestic

13 violence;

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189-372-4-7

19 1729

1	A bill to be entitled	1:btc
2	An act relating to domestic violence; amending	1.3
3	s. 741.30, F.S.; providing a cause of action	
4	for injunctive relief to any family member or	1.4
5	cohabitant who is being victimized; redefining	
6	"domestic violence" by changing the definition	1.5
7	of who constitutes a victim of such violence;	
8	conforming provisions relating to actions for	
9	protection against domestic violence; providing	1.6
10	an effective date.	1.7
11		
12	Be It Enacted by the Legislature of the State of Florida:	1:enc
13		
14	Section 1. Paragraph (a) of subsection (1), paragraph	1.8
15	(a) of subsection (2), and paragraph (b) of subsection (4) of	1.9
16	section 741.30, Florida Statutes, 1986 Supplement, are	
17	amended, paragraphs (e) and (f) of subsection (2) of said	1.11
18	section are redesignated as paragraphs (f) and (g),	
19	respectively, and a new paragraph (e) is added to said	1.12
20	subsection, to read:	
21	741.30 Action by-spouse for injunction for protection	1.14
22	against domestic violence; powers and duties of court and	
23	clerk of court; filing and form of petition for injunction;	1.15
24	notice and hearing; temporary injunction; issuance of	
25	injunction; enforcement.--	1.16
26	(1) As used in this section, the term:	1.17
27	(a) "Domestic violence" means any assault, battery, or	1.20
28	sexual battery by a person against the person's spouse <u>or</u>	
29	<u>against a person who is or was residing in the same single</u>	1.21
30	<u>dwelling unit as though a member of the same household.</u>	
31		

1	(2) There is created a cause of action for an	1.22
2	injunction for protection against domestic violence.	1.23
3	(a) Any <u>spouse, or any person described in paragraph</u>	1.24
4	<u>(e)</u> , who is the victim of any act of domestic violence, or has	1.27
5	reasonable cause to believe he or she is about to become the	
6	victim of any act of domestic violence, has standing in the	1.29
7	circuit court to file a sworn petition for an injunction for	1.30
8	protection against domestic violence.	1.31
9	<u>(e) This cause of action for an injunction may be</u>	1:1us
10	<u>sought between persons who are or were residing within a</u>	1.33
11	<u>single dwelling unit as though members of one household. No</u>	1.34
12	<u>person shall be precluded from seeking injunctive relief</u>	
13	<u>pursuant to this chapter solely on the basis that such person</u>	1.35
14	<u>is not a spouse.</u>	
15	(4)	1.36
16	(b) The sworn petition shall be in substantially the	1.36
17	following form:	
18	PETITION FOR	1.37
19	INJUNCTION FOR PROTECTION	1.37
20	AGAINST DOMESTIC VIOLENCE	1.37
21		
22	Before me, the undersigned authority, personally appeared	1.38
23	Petitioner ...(Name)..., who has been sworn and says that the	1:u1
24	following statements are true:	
25	(a) Petitioner resides at: ...(address)...	1:u1
26	(b) Respondent resides at: ...(address)...	1:u1
27	(c) Respondent is the spouse or former spouse of the	1.44
28	<u>petitioner or is or was residing within a single dwelling unit</u>	1.45
29	<u>with the petitioner as though a member of the same household.</u>	1.46
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1	(d) The following describes any other cause of action	1.47
2	currently pending between the petitioner and respondent:	
3	.....
4	(e) Petitioner has suffered or has reasonable cause to	1.51
5	fear domestic violence because respondent has:	
6	(f) Petitioner alleges the following additional	1.53
7	specific facts: (mark appropriate sections)	1.56
8	.... Petitioner is the custodian of a minor child or	1:LN
9	children whose names and ages are as follows:	
10	.... Petitioner needs the exclusive use and possession	1:LN
11	of the dwelling that the parties share.	1.60
12	.... Petitioner is unable to obtain safe alternative	1:LN
13	housing because:	
14	.... Petitioner genuinely fears that respondent will	1:LN
15	abuse, remove, or hide the minor child or children from	1.64
16	petitioner because:	
17	(g) Petitioner genuinely fears domestic violence by	1.66
18	respondent.	
19	(h) Petitioner seeks an injunction: (mark appropriate	1.68
20	section or sections)	1.69
21	.... Immediately restraining the respondent from	1.71
22	committing any acts of domestic violence.	1.72
23	.... Restraining the respondent from committing any	1:LN
24	acts of domestic violence.	1.75
25	.... Awarding to the petitioner the temporary exclusive	1.77
26	use and possession of the dwelling that the parties share or	1.79
27	excluding the respondent from the residence of the petitioner.	
28	.... Awarding temporary custody of, or temporary	1.82
29	visitation rights with regard to, the minor child or children	
30	of the parties.	1.83
31		

1	.... Establishing temporary support for the minor child	2.1
2	or children of the petitioner.	
3	.... Directing the respondent to participate in	1:LN
4	treatment or counseling services.	2.3
5	.... Providing any terms the court deems necessary for	2.5
6	the protection of a victim of domestic violence, including any	2.7
7	injunctions or directives to law enforcement agencies.	2.8
8	Section 2. This act shall take effect October 1, 1987.	2.9
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1	*****	1:hrs
2	HOUSE SUMMARY	1:hrs
3	Expands the protection of victims of domestic violence to	2.12
4	include injunctive relief for any family member or	2.13
5	cohabitant who is being victimized.	
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Date: April 20, 1987

Revised: _____

Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON CRIMINAL JUSTICE 19 1729
STAFF ANALYSIS

BILL #: Proposed CS/HB 545

RELATING TO: Injunctions against domestic violence

SPONSOR(S): Representative Gordon

EFFECTIVE DATE: October 1, 1987

COMPANION BILL(S): _____

OTHER COMMITTEES OF REFERENCE: (1) _____

(2) _____

I. SUMMARY:

A. Present Situation

Section 741.30, F.S. currently provides for an action for injunction for protection against domestic violence. The action is available to any "spouse" who is the victim of any domestic violence, or has reasonable cause to believe he or she is about to become the victim of domestic violence. (F.S. 741.30(2))

"Spouse" is defined as "a person to whom another person is married or a person to whom another person has been married and from whom such person is now separated or divorced." (F.S. 741.30(1)(b))

"Domestic violence" is defined as "any assault, battery, or sexual battery by a person against the person's spouse." (F.S. 741.30(1)(a))

B. Effect of Proposed Changes

This bill provides that the cause of action available to a spouse for an injunction may be sought "between persons residing within a single dwelling unit as though members of one household." The bill also provides that "no person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse."

II. ECONOMIC IMPACT:

A. Public:

None apparent

B. Government:

The bill provides standing in injunction proceedings to many persons who previously did not have it. This may have a fiscal impact on the court system, but the actual impact is indeterminable at this time.

III. STATE COMPREHENSIVE PLAN IMPACT:


The bill is consistent with paragraphs 10 and 11 of s. 187.201(3), F. S., prevention of family violence and support for victims of family violence. The bill is also consistent with paragraph 11 of s. 187.201(7), F. S., protection of individual personal safety.

IV. COMMENTS:

A proposal similar to this bill (CS/HB 456, 1986) passed the House of Representatives during the 1986 legislative session (House Journal 746). However, the bill died in the Senate Committee on Health and Rehabilitative Services. The 1986 bill conferred standing for an injunction action between persons who were or had been "cohabitating." Cohabitating was defined as "members of the opposite sex living in a single dwelling unit as conjugal partners, though not legally married." The current bill would apply to any two persons residing in the same household.

V. AMENDMENTS:

VI. PREPARED BY: Mark A. Massey 
Legislative Intern

VII. STAFF DIRECTOR: Bill Ryan 

By the Committee on Criminal Justice and Representatives Gordon,
and Mackenzie

A bill to be entitled

An act relating to domestic violence; amending
s. 741.30, F.S.; providing a cause of action
for injunctive relief to any family member or
cohabitant who is being victimized; redefining
"domestic violence" by changing the definition
of who constitutes a victim of such violence;
conforming provisions relating to actions for
protection against domestic violence; providing
an effective date.

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

Section 1. Paragraph (a) of subsection (1), paragraph
(a) of subsection (2), and paragraph (b) of subsection (4) of
section 741.30, Florida Statutes, 1986 Supplement, are
amended, paragraphs (e) and (f) of subsection (2) of said
section are redesignated as paragraphs (f) and (g),
respectively, and a new paragraph (e) is added to said
subsection, to read:

741.30 Action by-spouse for injunction for protection
against domestic violence; powers and duties of court and
clerk of court; filing and form of petition for injunction;
notice and hearing; temporary injunction; issuance of
injunction; enforcement.--

(1) As used in this section, the term:

(a) "Domestic violence" means any assault, battery, or
sexual battery by a person against the person's spouse or
against a person who is or was residing in the same single
dwelling unit as though a member of the same household.

This publication was produced at an average cost of 1.5 cents per
single page in compliance with the Rules and for the information
of members of the Legislature and the public.

1	(2) There is created a cause of action for an	1.22
2	injunction for protection against domestic violence.	1.23
3	(a) <u>Any spouse, or any person described in paragraph</u>	1.24
4	<u>(e)</u> , who is the victim of any act of domestic violence, or has	1.27
5	reasonable cause to believe he or she is about to become the	
6	victim of any act of domestic violence, has standing in the	1.29
7	circuit court to file a sworn petition for an injunction for	1.30
8	protection against domestic violence.	1.31
9	<u>(e) This cause of action for an injunction may be</u>	1:1us
10	<u>sought between persons who are or were residing within a</u>	1.33
11	<u>single dwelling unit as though members of one household. No</u>	1.34
12	<u>person shall be precluded from seeking injunctive relief</u>	
13	<u>pursuant to this chapter solely on the basis that such person</u>	1.35
14	<u>is not a spouse.</u>	
15	(4)	1.36
16	(b) The sworn petition shall be in substantially the	1.36
17	following form:	
18	PETITION FOR	1.37
19	INJUNCTION FOR PROTECTION	1.37
20	AGAINST DOMESTIC VIOLENCE	1.37
21		
22	Before me, the undersigned authority, personally appeared	1.38
23	Petitioner ...(Name)..., who has been sworn and says that the	1:u1
24	following statements are true:	
25	(a) Petitioner resides at: ...(address)...	1:u1
26	(b) Respondent resides at: ...(address)...	1:u1
27	(c) Respondent is the spouse or former spouse of the	1.44
28	<u>petitioner or is or was residing within a single dwelling unit</u>	1.45
29	<u>with the petitioner as though a member of the same household.</u>	1.46
30		
31		

1	(d) The following describes any other cause of action	1.47
2	currently pending between the petitioner and respondent:	
3	.....
4	(e) Petitioner has suffered or has reasonable cause to	1.51
5	fear domestic violence because respondent has:	
6	(f) Petitioner alleges the following additional	1.53
7	specific facts: (mark appropriate sections)	1.56
8	.... Petitioner is the custodian of a minor child or	1:LN
9	children whose names and ages are as follows:	
10	.... Petitioner needs the exclusive use and possession	1:LN
11	of the dwelling that the parties share.	1.60
12	.... Petitioner is unable to obtain safe alternative	1:LN
13	housing because:	
14	.... Petitioner genuinely fears that respondent will	1:LN
15	abuse, remove, or hide the minor child or children from	1.64
16	petitioner because:	
17	(g) Petitioner genuinely fears domestic violence by	1.66
18	respondent.	
19	(h) Petitioner seeks an injunction: (mark appropriate	1.68
20	section or sections)	1.69
21	.... Immediately restraining the respondent from	1.71
22	committing any acts of domestic violence.	1.72
23	.... Restraining the respondent from committing any	1:LN
24	acts of domestic violence.	1.75
25	.... Awarding to the petitioner the temporary exclusive	1.77
26	use and possession of the dwelling that the parties share or	1.79
27	excluding the respondent from the residence of the petitioner.	
28	.... Awarding temporary custody of, or temporary	1.82
29	visitation rights with regard to, the minor child or children	
30	of the parties.	1.83
31		

1	.... Establishing temporary support for the minor child	2.1
2	or children of the petitioner.	
3	.... Directing the respondent to participate in	1:LN
4	treatment or counseling services.	2.3
5	.... Providing any terms the court deems necessary for	2.5
6	the protection of a victim of domestic violence, including any	2.7
7	injunctions or directives to law enforcement agencies.	2.8
8	Section 2. This act shall take effect October 1, 1987.	2.9
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10	*****	
11	HOUSE SUMMARY	
12	Expands the protection of victims of domestic violence to	
13	include injunctive relief for any family member or	
14	cohabitant who is being victimized.	
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____ Reconsidered

____ Not Considered

THE VOTE WAS:

FINAL BILL VOTE		SENATORS	PCS Weinsten		18		1626					
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
x		Crenshaw	W									
x		Dudley	I									
x		Frank	T									
x		Jenne	H									
x		Weinstein	O									
x		VICE CHAIRMAN Grant	U									
x		CHAIRMAN Langley	T									
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			B									
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7	0	TOTAL	x									
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

(Attach additional page if necessary)

Please Complete: The key sponsor appeared (x)
 A Senator appeared ()
 Sponsor's aide appeared ()
 Other appearance ()

By Senator Fox

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

1 A bill to be entitled
 2 An act relating to domestic violence; amending
 3 s. 415.601, F.S.; providing legislative intent,
 4 amending ss. 415.602, 741.30, F.S.; redefining
 5 "domestic violence" by expanding the definition
 6 of what constitutes such violence and who
 7 constitutes a victim of such violence;
 8 providing remedies; providing for enforcement
 9 of those remedies and for penalties; amending
 10 s. 741.29, F.S.; requiring that certain
 11 particulars be in a police report of an alleged
 12 incident of domestic violence; providing an
 13 effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 415.601, Florida Statutes, is
 18 amended to read:

19 415.601 Domestic violence cases; treatment and
 20 rehabilitation of victims and perpetrators; legislative
 21 intent --The Legislature recognizes that certain persons who
 22 commit acts or threatened acts of violence against another
 23 individual to whom such person is or was related by blood or
 24 marriage or otherwise legally related or with whom such person
 25 is or was lawfully residing ~~assault;~~ ~~batter;~~ ~~or otherwise~~
 26 ~~abuse their spouses~~ and the persons subject to such domestic
 27 violence are in need of treatment and rehabilitation. It is
 28 the intent of the Legislature to assist in the development of
 29 domestic violence centers for the victims of domestic violence
 30 and to provide a place where the parties involved may be
 31 separated until they can be properly assisted.

1 Section 2. Subsection (3) of section 415.602, Florida
2 Statutes, is amended to read:

3 415.602 Definitions of terms used in ss. 415.601-
4 415.608.--As used in ss. 415.601-415.608, the term:

5 (3) "Domestic violence" means any act or threatened
6 act of violence which is committed by a person against another
7 individual to whom such person is or was related by blood or
8 marriage or otherwise legally related or with whom such person
9 is or was lawfully residing assault, battery, or criminal
10 sexual-conduct-by-a-person-against-the-person's-spouse.

11 Section 3. Subsection (2) of section 741.29, Florida
12 Statutes, is amended to read:

13 741.29 Investigations by law enforcement officers of
14 incidents of domestic violence; notice to victims of legal
15 rights and remedies; reporting of incidents.--

16 (2) When a law enforcement officer investigates an
17 allegation that an incident of domestic violence has occurred,
18 whether or not an arrest is made, the officer shall make a
19 written police report of the alleged incident. The officer
20 shall submit the report to his supervisor or other person to
21 whom the employer's rules or policies require reports of
22 similar allegations of criminal activity to be made. This
23 report shall include specific descriptions of any injuries
24 observable on the victim or defendant, any indicators of
25 threatening behavior or intoxication on the part of the
26 abuser, and any alleged or observed use of weapons.

27 Section 4. Subsection (1) of section 741.30, Florida
28 Statutes, is amended to read:

29 741.30 Action by spouse for injunction for protection
30 against domestic violence; powers and duties of court and
31 clerk of court; filing and form of petition for injunction;

1 notice and hearing; temporary injunction; issuance of
2 injunction; enforcement.--

3 (1) As used in this section, the term:

4 (a) "Domestic violence" means any act or threatened
5 act of violence which is committed by a person against another
6 individual to whom such person is or was related by blood or
7 marriage or otherwise legally related or with whom such person
8 is or was lawfully residing. ~~any assault, battery, or sexual~~
9 ~~battery by a person against the person's spouse.~~

10 (b) ~~--"Spouse" means a person to whom another person is~~
11 ~~married or a person to whom another person has been married~~
12 ~~and from whom such person is now separated or divorced.~~

13 Section 5. This act shall take effect October 1, 1986.

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16 *****

17 SENATE SUMMARY

18 Redefines "domestic violence" to include certain
19 additional acts or threats and certain victims other than
20 spouses. Provides remedies and penalties. Requires a
21 police report about domestic violence to include
22 specified particulars.

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By the Committee on Health and Rehabilitative Services and
Senator Fox-

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

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A bill to be entitled
An act relating to domestic violence; amending
s. 415.601, F.S.; providing legislative intent;
amending s. 415.602 and s. 741.30, F.S.;
redefining "domestic violence" by changing the
definition of what constitutes such violence
and who constitutes a victim of such violence;
defining the term "cohabitating"; conforming
provisions relating to actions for protection
against domestic violence; amending s. 741.29,
F.S.; specifying that certain particulars be in
a police report of an alleged incident of
domestic violence; providing an effective date.

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

Section 1. Section 415.601, Florida Statutes, is
amended to read:

415.601 Domestic violence cases; treatment and
rehabilitation of victims and perpetrators; legislative
intent.--The Legislature recognizes that certain persons who
commit or threaten to commit an assault, battery, or sexual
battery against another individual to whom such person is or
was married or with whom such person is or was cohabitating
~~assault; batter; or otherwise abuse their spouses~~ and the
victims of persons subject to such domestic violence are in
need of treatment and rehabilitation. It is the intent of the
Legislature to assist in the development of domestic violence
centers for the victims of domestic violence and to provide a
place where the parties involved may be separated until they
can be properly assisted.

1 Section 2. Subsection (3) of section 415.602, Florida
 2 Statutes, is amended and subsection (6) is added to said
 3 section to read:

4 415.602 Definitions of terms used in ss. 415.601-
 5 415.608.--As used in ss. 415.601-415.608, the term:

6 (3) "Domestic violence" means any act or threatened
 7 act of assault, battery, or sexual battery by a person against
 8 another individual to whom such person is or was married or
 9 with whom such person is or was cohabitating ~~assault;-battery;~~
 10 ~~or-criminal-sexual-conduct-by-a-person-against-the-person's~~
 11 ~~spouse.~~

12 (6) "Cohabiting" means members of the opposite sex
 13 living in a single dwelling unit as conjugal partners, though
 14 not legally married.

15 Section 3. Subsection (2) of section 741.29, Florida
 16 Statutes, is amended to read:

17 741.29 Investigations by law enforcement officers of
 18 incidents of domestic violence; notice to victims of legal
 19 rights and remedies; reporting of incidents.--

20 (2) When a law enforcement officer investigates an
 21 allegation that an incident of domestic violence has occurred,
 22 whether or not an arrest is made, the officer shall make a
 23 written police report of the alleged incident. The officer
 24 shall submit the report to his supervisor or other person to
 25 whom the employer's rules or policies require reports of
 26 similar allegations of criminal activity to be made. This
 27 report shall include specific descriptions of any injuries
 28 observable on the victim or abuser, any indicators of
 29 threatening behavior or intoxication on the part of the
 30 abuser, and any alleged or observed use of weapons.
 31

1 Section 4. Subsection (1), paragraph (a) of subsection
 2 (2), and paragraph (b) of subsection (4) of section 741.30,
 3 Florida Statutes, are amended to read:

4 741.30 Action ~~by-spouse~~ for injunction for protection
 5 against domestic violence; powers and duties of court and
 6 clerk of court; filing and form of petition for injunction;
 7 notice and hearing; temporary injunction; issuance of
 8 injunction; enforcement.--

9 (1) As used in this section, the term:

10 (a) "Domestic violence" means any act or threatened
 11 act of assault, battery, or sexual battery by a person against
 12 another individual to whom such person is or was married or
 13 with whom such person is or was cohabitating. ~~any-assault;~~
 14 ~~battery;-or-sexual-battery-by-a-person-against-the-person's~~
 15 ~~spouse;~~

16 (b) "Cohabiting" means members of the opposite sex
 17 living in a single dwelling unit as conjugal partners, though
 18 not legally married. ~~*Spouse*-means-a-person-to-whom-another~~
 19 ~~person-is-married-or-a-person-to-whom-another-person-has-been~~
 20 ~~married-and-from-whom-such-person-is-now-separated-or~~
 21 ~~divorced;~~

22 (2) There is created a cause of action for an
 23 injunction for protection in cases of domestic violence.

24 (a) Any person spouse who is the victim of any act of
 25 domestic violence has standing in the circuit court to file a
 26 sworn petition for an injunction for protection against
 27 domestic violence.

28 (4)

29 (b) The sworn petition may shall be in substantially
 30 the following form:

31

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared
Petitioner ...(Name)..., who has been sworn and says that the
following statements are true:

(a) Petitioner resides at: ...(address)...

(b) Respondent resides at: ...(address)...

(c) Petitioner is or was married to the respondent or
is or was cohabitating with the respondent is-the-spouse-or
former-spouse-of-the-Petitioner.

(d) Petitioner has suffered domestic violence because
respondent has:.....

(e) Petitioner alleges the following additional
specific facts: (mark appropriate sections)

.... Petitioner is the custodian of a minor child or
children whose names and ages are as follows:.....

.... Petitioner needs the exclusive use and possession
of the dwelling that the parties share.

.... Petitioner is unable to obtain safe alternative
housing because:

.... Petitioner genuinely fears that respondent will
abuse, remove, or hide the minor child or children from
petitioner because:.....

(f) Petitioner genuinely fears domestic violence by
respondent.

(g) Petitioner seeks: (mark appropriate section or
sections)

.... An immediate injunction restraining the respondent
from committing any acts of domestic violence.

1 An injunction restraining the respondent from
2 committing any acts of domestic violence.

3 An injunction awarding to the petitioner the
4 temporary exclusive use and possession of the dwelling that
5 the parties share or excluding the respondent from the
6 residence of the petitioner.

7 An injunction awarding temporary custody of, or
8 temporary visitation rights with regard to, the minor child or
9 children of the parties.

10 An injunction establishing temporary support for
11 the minor child or children or the petitioner.

12 An injunction directing the respondent to
13 participate in treatment or counseling services.

14 An injunction providing any terms the court deems
15 necessary for the protection of a victim of domestic violence,
16 including any injunctions or directives to law enforcement
17 agencies.

18 Section 5. This act shall take effect October 1, 1986.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 103

1. Changes the newly designated persons who may be victims of domestic violence from individuals to whom an abuser is or was related by blood or marriage, is otherwise legally related or with whom the abuser is or was legally residing to persons with whom an abuser is or was cohabiting;

2. Defines "cohabiting:"

3. Amends existing law to allow the statutorily prescribed form for a petition for injunction for protection to be optional.

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By the Committees on Judiciary-Civil and Health and Rehabilitative Services and Senator Fox-

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

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A bill to be entitled
An act relating to domestic violence; amending
s. 415.601, F.S.; providing legislative intent;
amending s. 415.602 and s. 741.30, F.S.;
redefining "domestic violence" by changing the
definition of what constitutes such violence;
conforming provisions relating to actions for
protection against domestic violence; amending
s. 741.29, F.S.; specifying that certain
particulars be in a police report of an alleged
incident of domestic violence; providing an
effective date.

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

Section 1. Section 415.601, Florida Statutes, is amended to read:

415.601 Domestic violence cases; treatment and rehabilitation of victims and perpetrators; legislative intent.--The Legislature recognizes that certain persons who assault, threaten to commit a battery or sexual battery against, or commit a battery or sexual battery against, another individual to whom such person is or was married ~~assault,-batter,-or-otherwise-abuse-their-spouses~~ and the victims of persons-subject-to such domestic violence are in need of treatment and rehabilitation. It is the intent of the Legislature to assist in the development of domestic violence centers for the victims of domestic violence and to provide a place where the parties involved may be separated until they can be properly assisted.

1 Section 2. Subsection (3) of section 415.602, Florida
2 Statutes, is amended to read:

3 415.602 Definitions of terms used in ss. 415.601-
4 415.608.--As used in ss. 415.601-415.608, the term:

5 (3) "Domestic violence" means any assault, threat to
6 commit a battery or sexual battery, or battery or sexual
7 battery against another individual to whom such person is or
8 was married ~~assault; battery; or criminal sexual conduct by a~~
9 ~~person against the person's spouse.~~

10 Section 3. Subsection (2) of section 741.29, Florida
11 Statutes, is amended to read:

12 741.29 Investigations by law enforcement officers of
13 incidents of domestic violence; notice to victims of legal
14 rights and remedies; reporting of incidents.--

15 (2) When a law enforcement officer investigates an
16 allegation that an incident of domestic violence has occurred,
17 whether or not an arrest is made, the officer shall make a
18 written police report of the alleged incident. The officer
19 shall submit the report to his supervisor or other person to
20 whom the employer's rules or policies require reports of
21 similar allegations of criminal activity to be made. This
22 report shall include specific descriptions of any injuries
23 observable on the victim or abuser, any indicators of
24 threatening behavior or intoxication on the part of the
25 abuser, and any alleged or observed use of weapons.

26 Section 4. Subsection (1), paragraph (a) of subsection
27 (2), and paragraph (b) of subsection (4) of section 741.30,
28 Florida Statutes, are amended to read:

29 741.30 Action ~~by spouse~~ for injunction for protection
30 against domestic violence; powers and duties of court and
31 clerk of court; filing and form of petition for injunction;

1 notice and hearing; temporary injunction; issuance of
2 injunction; enforcement.--

3 (1) As used in this section, the term:

4 (a) "Domestic violence" means any assault, threat to
5 commit a battery or sexual battery, or battery or sexual
6 battery against another individual to whom such person is or
7 was married. any-assault,-battery,-or-sexual-battery-by-a
8 person-against-the-person's-spouse;

9 (b) "Spouse" means a person to whom another person is
10 married or a person to whom another person has been married
11 and from whom such person is now separated or divorced.

12 (2) There is created a cause of action for an
13 injunction for protection in cases of domestic violence.

14 (a) Any person spouse who is the victim of any act of
15 domestic violence has standing in the circuit court to file a
16 sworn petition for an injunction for protection against
17 domestic violence.

18 (4)

19 (b) The sworn petition may shall be in substantially
20 the following form:

21 PETITION FOR
22 INJUNCTION FOR PROTECTION
23 AGAINST DOMESTIC VIOLENCE
24

25 Before me, the undersigned authority, personally appeared
26 Petitioner ...(Name)..., who has been sworn and says that the
27 following statements are true:

28 (a) Petitioner resides at: ...(address)...

29 (b) Respondent resides at: ...(address)...

30 (c) Petitioner is or was married to the respondent as
31 the-spouse-or-former-spouse-of-the-Petitioner.

1 (d) Petitioner has suffered domestic violence because
2 respondent has:.....

3 (e) Petitioner alleges the following additional
4 specific facts: (mark appropriate sections)

5 Petitioner is the custodian of a minor child or
6 children whose names and ages are as follows:.....

7 Petitioner needs the exclusive use and possession
8 of the dwelling that the parties share.

9 Petitioner is unable to obtain safe alternative
10 housing because:

11 Petitioner genuinely fears that respondent will
12 abuse, remove, or hide the minor child or children from
13 petitioner because:.....

14 (f) Petitioner genuinely fears domestic violence by
15 respondent.

16 (g) Petitioner seeks: (mark appropriate section or
17 sections)

18 An immediate injunction restraining the respondent
19 from committing any acts of domestic violence.

20 An injunction restraining the respondent from
21 committing any acts of domestic violence.

22 An injunction awarding to the petitioner the
23 temporary exclusive use and possession of the dwelling that
24 the parties share or excluding the respondent from the
25 residence of the petitioner.

26 An injunction awarding temporary custody of, or
27 temporary visitation rights with regard to, the minor child or
28 children of the parties.

29 An injunction establishing temporary support for
30 the minor child or children or the petitioner.
31

1 An injunction directing the respondent to
2 participate in treatment or counseling services.

3 An injunction providing any terms the court deems
4 necessary for the protection of a victim of domestic violence,
5 including any injunctions or directives to law enforcement
6 agencies.

7 Section 5. This act shall take effect October 1, 1986.
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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 103

19 Committee Substitute for SB 103 was amended to define
20 domestic violence as "any act of assault or threatened act of
21 battery or sexual battery by a person against another
22 individual to whom such person is or was married."
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By Representative Gordon

This publication was produced at an average cost of 1.3 cents per single page, in compliance with the Rules and for the information of members of the Legislature and the public.

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A bill to be entitled
An act relating to domestic violence, amending
s. 415.601, F S ; providing legislative intent;
amending s. 415 602 and s 741.30, F.S. ;
redefining "domestic violence" by expanding the
definition of what constitutes such violence
and who constitutes a victim of such violence,
defining the term "cohabitating"; providing
remedies; providing for enforcement of those
remedies and for penalties; amending s 741.29,
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marriage or otherwise legally related or with whom such person
is cohabitating ~~assault; battery; or otherwise abuse their~~
spouses and the persons subject to such domestic violence are
in need of treatment and rehabilitation. It is the intent of
the Legislature to assist in the development of domestic
violence centers for the victims of domestic violence and to
provide a place where the parties involved may be separated
until they can be properly assisted.

1	Section 2 Subsection (3) of section 415.602, Florida	1 25
2	Statutes, is amended and subsection (6) is added to said	1 25
3	section to read	
4	415.602 Definitions of terms used in ss. 415.601-	1 27
5	415.608 --As used in ss 415.601-415.608, the term.	1 23
6	(3) "Domestic violence" means any <u>act or threatened</u>	1.29
7	<u>act of violence which is committed by a person against another</u>	1.30
8	<u>individual to whom such person is or was related by blood or</u>	
9	<u>marriage or otherwise legally related or with whom such person</u>	1 31
10	<u>is cohabitating assault; battery; or criminal sexual conduct</u>	1 31.
11	<u>by a person against the person's spouse.</u>	
12	(6) " <u>Cohabitating</u> " means <u>members of the opposite sex</u>	1.1us
13	<u>living in a single dwelling unit as conjugal partners, though</u>	1.31 3
14	<u>not legally married.</u>	
15	Section 3. Subsection (2) of section 741.29, Florida	1 31 4
16	Statutes, is amended to read:	1 35
17	741.29 Investigations by law enforcement officers of	1.35
18	incidents of domestic violence, notice to victims of legal	1 38
19	rights and remedies; reporting of incidents --	
20	(2) When a law enforcement officer investigates an	1 39
21	allegation that an incident of domestic violence has occurred,	1.40
22	whether or not an arrest is made, the officer shall make a	
23	written police report of the alleged incident. The officer	1 42
24	shall submit the report to his supervisor or other person to	
25	whom the employer's rules or policies require reports of	1 43
26	similar allegations of criminal activity to be made. <u>This</u>	1.43s
27	<u>report shall include specific descriptions of any injuries</u>	
28	<u>observable on the victim or defendant, any indicators of</u>	1 45
29	<u>threatening behavior or intoxication on the part of the</u>	
30	<u>abuser, and any alleged or observed use of weapons.</u>	1 46
31		

1	Section 4	Subsection (1) of section 741.30, Florida	1 47
2	Statutes, is amended to read.		1 48
3	741.30	Action by spouse for injunction for protection	1 50
4	against domestic violence; powers and duties of court and		
5	clerk of court, filing and form of petition for injunction,		1.51
6	notice and hearing; temporary injunction; issuance of		
7	injunction; enforcement.--		1 52
8	(1) As used in this section, the term--		1 53
9	+ "Domestic violence" means <u>any act or threatened</u>		1 55
10	<u>act of violence which is committed by a person against another</u>		
11	<u>individual to whom such person is or was related by blood or</u>		1 56
12	<u>marriage or otherwise legally related or with whom such person</u>		1 57
13	<u>is conducting any assault--battery, or sexual battery by a</u>		1:105
14	<u>person against the person's spouse--</u>		1 59
15	or--"Spouse" means a person to whom another person is		1 105
16	married or a person to whom another person has been married		1 61
17	and from whom such person is now separated or divorced;		1 62
18	Section 5	This act shall take effect October 1, 1986	1 63
19			
20	*****		
21	HOUSE SUMMARY		
22	Redefines "domestic violence" to include certain		
23	additional acts or threats and certain victims other than		
24	spouses. Defines the term "cohabitating." Provides		
25	remedies and penalties. Requires a police report about		
26	domestic violence to include specified particulars.		
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By Committee on Criminal Justice and Representative Gordon

This publication was produced at an average cost of 1.5 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

1 A bill to be entitled
 2 An act relating to domestic violence; amending
 3 s. 415.601, F.S.; providing legislative intent;
 4 amending s. 415.602 and s. 741.30, F.S.;

5 redefining "domestic violence" by changing the
 6 definition of what constitutes such violence
 7 and who constitutes a victim of such violence;
 8 defining the term "cohabitating"; conforming
 9 provisions relating to actions for protection
 10 against domestic violence; amending s. 741.29,
 11 F.S.; specifying that certain particulars be in
 12 a police report of an alleged incident of
 13 domestic violence; providing an effective date.

14
 15 **Be It Enacted by the Legislature of the State of Florida:**

16
 17 Section 1. Section 415.601, Florida Statutes, is
 18 amended to read:

19 415.601 Domestic violence cases; treatment and
 20 rehabilitation of victims and perpetrators; legislative
 21 intent.--The Legislature recognizes that certain persons who
 22 commit or threaten to commit an assault, battery, or sexual
 23 battery against another individual to whom such person is or
 24 was married or with whom such person is or was cohabitating
 25 assault, battery, or otherwise abuse their spouses and the
 26 victims of persons subject to such domestic violence are in
 27 need of treatment and rehabilitation. It is the intent of the
 28 Legislature to assist in the development of domestic violence
 29 centers for the victims of domestic violence and to provide a
 30 place where the parties involved may be separated until they
 31 can be properly assisted.

1	Section 2. Subsection (3) of section 415.602, Florida	1.28
2	Statutes, is amended and subsection (6) is added to said	1.29
3	section to read:	
4	415.602 Definitions of terms used in ss. 415.601-	1.30
5	415.608.--As used in ss. 415.601-415.608, the term:	1.31
6	(3) "Domestic violence" means any <u>act or threatened</u>	1.32
7	<u>act of assault, battery, or sexual battery by a person against</u>	1.33
8	<u>another individual to whom such person is or was married or</u>	
9	<u>with whom such person is or was cohabitating</u> assault; battery;	1:10s
10	or-criminal-sexual-conduct-by-a-person-against-the-person's	1.37
11	spouse.	
12	(6) " <u>Cohabiting</u> " means members of the opposite sex	1:1us
13	<u>living in a single dwelling unit as conjugal partners, though</u>	1.39
14	<u>not legally married.</u>	
15	Section 3. Subsection (2) of section 741.29, Florida	1.40
16	Statutes, is amended to read:	1.41
17	741.29 Investigations by law enforcement officers of	1.42
18	incidents of domestic violence; notice to victims of legal	1.44
19	rights and remedies; reporting of incidents.--	
20	(2) When a law enforcement officer investigates an	1.45
21	allegation that an incident of domestic violence has occurred,	1.46
22	whether or not an arrest is made, the officer shall make a	
23	written police report of the alleged incident. The officer	1.48
24	shall submit the report to his supervisor or other person to	
25	whom the employer's rules or policies require reports of	1.49
26	similar allegations of criminal activity to be made. <u>This</u>	1:1us
27	<u>report shall include specific descriptions of any injuries</u>	
28	<u>observable on the victim or abuser, any indicators of</u>	1.51
29	<u>threatening behavior or intoxication on the part of the</u>	
30	<u>abuser, and any alleged or observed use of weapons.</u>	1.52
31		

1	Section 4. Subsection (1), paragraph (a) of subsection	1.53
2	(2), and paragraph (b) of subsection (4) of section 741.30,	1.54
3	Florida Statutes, are amended to read:	1.55
4	741.30 Action by-spouse for injunction for protection	1.57
5	against domestic violence; powers and duties of court and	
6	clerk of court; filing and form of petition for injunction;	1.58
7	notice and hearing; temporary injunction; issuance of	
8	injunction; enforcement.--	1.59
9	(1) As used in this section, the term:	1.60
10	(a) "Domestic violence" means <u>any act or threatened</u>	1.62
11	<u>act of assault, battery, or sexual battery by a person against</u>	
12	<u>another individual to whom such person is or was married or</u>	1.65
13	<u>with whom such person is or was cohabitating, any-assault,</u>	1:10s
14	battery,-or-sexual-battery-by-a-person-against-the-person's	
15	spouse:	1.67
16	(b) " <u>Cohabitating</u> " means <u>members of the opposite sex</u>	1.68
17	<u>living in a single dwelling unit as conjugal partners, though</u>	1.70
18	<u>not legally married.</u> "Spouse"-means-a-person-to-whom-another	1:10s
19	person-is-married-or-a-person-to-whom-another-person-has-been	1.72
20	married-and-from-whom-such-person-is-now-separated-or	
21	divorced:	1.73
22	(2) There is created a cause of action for an	1.74
23	injunction for protection in cases of domestic violence.	1.76
24	(a) Any <u>person</u> spouse who is the victim of any act of	1.78
25	domestic violence has standing in the circuit court to file a	1.80
26	sworn petition for an injunction for protection against	1.81
27	domestic violence.	
28	(4)	1.82
29	(b) The sworn petition <u>may</u> shall be in substantially	1.82
30	the following form:	1.83
31	PETITION FOR	1.84

1	INJUNCTION FOR PROTECTION	1.82
2	AGAINST DOMESTIC VIOLENCE	1.82
3		
4	Before me, the undersigned authority, personally appeared	1.83
5	Petitioner ...(Name)..., who has been sworn and says that the	1:1ul
6	following statements are true:	
7	(a) Petitioner resides at: ...(address)...	2.1
8	(b) Respondent resides at: ...(address)...	2.3
9	(c) <u>Petitioner is or was married to the respondent or</u>	2.4
10	<u>is or was cohabitating with the respondent as-the-spouse-or</u>	2.5
11	<u>former-spouse-of-the-Petitioner.</u>	2.6
12	(d) Petitioner has suffered domestic violence because	2.7
13	respondent has:.....	
14	(e) Petitioner alleges the following additional	2.8
15	specific facts: (mark appropriate sections)	2.10
16	.... Petitioner is the custodian of a minor child or	1:LN
17	children whose names and ages are as follows:.....	
18	.... Petitioner needs the exclusive use and possession	1:LN
19	of the dwelling that the parties share.	2.14
20	.... Petitioner is unable to obtain safe alternative	1:LN
21	housing because:	
22	.... Petitioner genuinely fears that respondent will	1:LN
23	abuse, remove, or hide the minor child or children from	2.18
24	petitioner because:.....	
25	(f) Petitioner genuinely fears domestic violence by	2.20
26	respondent.	
27	(g) Petitioner seeks: (mark appropriate section or	2.23
28	sections)	
29	.... An immediate injunction restraining the respondent	1:LN
30	from committing any acts of domestic violence.	2.25
31		

1	.... An injunction restraining the respondent from	1:LN
2	committing any acts of domestic violence.	2.27
3	.... An injunction awarding to the petitioner the	1:LN
4	temporary exclusive use and possession of the dwelling that	2.28
5	the parties share or excluding the respondent from the	2.29
6	residence of the petitioner.	
7	.... An injunction awarding temporary custody of, or	2.30
8	temporary visitation rights with regard to, the minor child or	2.31
9	children of the parties.	2.32
10	.... An injunction establishing temporary support for	1:LN
11	the minor child or children or the petitioner.	2.34
12	.... An injunction directing the respondent to	1:LN
13	participate in treatment or counseling services.	2.36
14	.... An injunction providing any terms the court deems	1:LN
15	necessary for the protection of a victim of domestic violence,	2.40
16	including any injunctions or directives to law enforcement	2.41
17	agencies.	
18	Section 5. This act shall take effect October 1, 1986.	2.42
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20	*****	
21	HOUSE SUMMARY	
22	Redefines "domestic violence" to change the acts which	
23	constitute such violence and to include certain victims	
24	other than spouses. Defines the term "cohabitating."	
25	Requires a police report about domestic violence to	
26	include specified particulars. Conforms provisions	
27	relating to actions for protection against domestic	
28	violence.	
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By Representative Gordon

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A bill to be entitled

An act relating to domestic violence; amending s. 741.30, F.S.; providing a cause of action for injunctive relief to any family member or cohabitant who is being victimized; providing an effective date.

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

Section 1. Paragraphs (e) and (f) of subsection (2) of section 741.30, Florida Statutes, 1986 Supplement, are redesignated as paragraphs (f) and (g), respectively, and a new paragraph (e) is added to said subsection, to read:

741.30 Action ~~by spouse~~ for injunction for protection against domestic violence; powers and duties of court and clerk of court; filing and form of petition for injunction; notice and hearing; temporary injunction; issuance of injunction; enforcement.--

(2) There is created a cause of action for an injunction for protection against domestic violence.

(e) This cause of action for an injunction may be sought between persons residing within a single dwelling unit as though members of one household. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

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

HOUSE SUMMARY

Expands the protection of victims of domestic violence to include injunctive relief for any family member or cohabitant who is being victimized.

This publication was produced at an average cost of 1.5 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public

By the Committee on Criminal Justice and Representatives Gordon,
and Mackenzie

A bill to be entitled

An act relating to domestic violence; amending
s. 741.30, F.S.; providing a cause of action
for injunctive relief to any family member or
cohabitant who is being victimized; redefining
"domestic violence" by changing the definition
of who constitutes a victim of such violence;
conforming provisions relating to actions for
protection against domestic violence; providing
an effective date.

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

Section 1. Paragraph (a) of subsection (1), paragraph
(a) of subsection (2), and paragraph (b) of subsection (4) of
section 741.30, Florida Statutes, 1986 Supplement, are
amended, paragraphs (e) and (f) of subsection (2) of said
section are redesignated as paragraphs (f) and (g),
respectively, and a new paragraph (e) is added to said
subsection, to read:

741.30 Action by-spouse for injunction for protection
against domestic violence; powers and duties of court and
clerk of court; filing and form of petition for injunction;
notice and hearing; temporary injunction; issuance of
injunction; enforcement.--

(1) As used in this section, the term:

(a) "Domestic violence" means any assault, battery, or
sexual battery by a person against the person's spouse or
against a person who is or was residing in the same single
dwelling unit as though a member of the same household.

This publication was produced at an average cost of 1.5 cents per
single page in compliance with the Rules and for the information
of members of the Legislature and the public.

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1	(2) There is created a cause of action for an	1.22
2	injunction for protection against domestic violence.	1.23
3	(a) Any <u>spouse, or any person described in paragraph</u>	1.24
4	<u>(e), who is the victim of any act of domestic violence, or has</u>	1.27
5	reasonable cause to believe he or she is about to become the	
6	victim of any act of domestic violence, has standing in the	1.29
7	circuit court to file a sworn petition for an injunction for	1.30
8	protection against domestic violence.	1.31
9	<u>(e) This cause of action for an injunction may be</u>	1:1us
10	<u>sought between persons who are or were residing within a</u>	1.33
11	<u>single dwelling unit as though members of one household. No</u>	1.34
12	<u>person shall be precluded from seeking injunctive relief</u>	
13	<u>pursuant to this chapter solely on the basis that such person</u>	1.35
14	<u>is not a spouse.</u>	
15	(4)	1.36
16	(b) The sworn petition shall be in substantially the	1.36
17	following form:	
18	PETITION FOR	1.37
19	INJUNCTION FOR PROTECTION	1.37
20	AGAINST DOMESTIC VIOLENCE	1.37
21		
22	Before me, the undersigned authority, personally appeared	1.38
23	Petitioner ...(Name)..., who has been sworn and says that the	1:ul
24	following statements are true:	
25	(a) Petitioner resides at: ...(address)...	1:ul
26	(b) Respondent resides at: ...(address)...	1:ul
27	(c) Respondent is the spouse or former spouse of the	1.44
28	<u>petitioner or is or was residing within a single dwelling unit</u>	1.45
29	<u>with the petitioner as though a member of the same household.</u>	1.46
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1	(d) The following describes any other cause of action	1.47
2	currently pending between the petitioner and respondent:	
3	.....
4	(e) Petitioner has suffered or has reasonable cause to	1.51
5	fear domestic violence because respondent has:	
6	(f) Petitioner alleges the following additional	1.53
7	specific facts: (mark appropriate sections)	1.56
8	.... Petitioner is the custodian of a minor child or	1:LN
9	children whose names and ages are as follows:	
10	.... Petitioner needs the exclusive use and possession	1:LN
11	of the dwelling that the parties share.	1.60
12	.... Petitioner is unable to obtain safe alternative	1:LN
13	housing because:	
14	.... Petitioner genuinely fears that respondent will	1:LN
15	abuse, remove, or hide the minor child or children from	1.64
16	petitioner because:	
17	(g) Petitioner genuinely fears domestic violence by	1.66
18	respondent.	
19	(h) Petitioner seeks an injunction: (mark appropriate	1.68
20	section or sections)	1.69
21	.... Immediately restraining the respondent from	1.71
22	committing any acts of domestic violence.	1.72
23	.... Restraining the respondent from committing any	1:LN
24	acts of domestic violence.	1.75
25	.... Awarding to the petitioner the temporary exclusive	1.77
26	use and possession of the dwelling that the parties share or	1.79
27	excluding the respondent from the residence of the petitioner.	
28	.... Awarding temporary custody of, or temporary	1.82
29	visitation rights with regard to, the minor child or children	
30	of the parties.	1.83
31		

1	.... Establishing temporary support for the minor child	2.1
2	or children of the petitioner.	
3	.... Directing the respondent to participate in	1:LN
4	treatment or counseling services.	2.3
5	.... Providing any terms the court deems necessary for	2.5
6	the protection of a victim of domestic violence, including any	2.7
7	injunctions or directives to law enforcement agencies.	2.8
8	Section 2. This act shall take effect October 1, 1987.	2.9
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10	*****	
11	HOUSE SUMMARY	
12	Expands the protection of victims of domestic violence to	
13	include injunctive relief for any family member or	
14	cohabitant who is being victimized.	
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By Senator Weinstein

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

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A bill to be entitled

An act relating to domestic violence; amending s. 741.30, F.S.; providing a cause of action for injunctive relief to any family member or cohabitant who is being victimized; providing an effective date.

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

Section 1. Paragraphs (e) and (f) of subsection (2) of section 741.30, Florida Statutes, 1986 Supplement, are redesignated as paragraphs (f) and (g), respectively, and a new paragraph (e) is added to said subsection, to read:

741.30 Action ~~by-spouse~~ for injunction for protection against domestic violence; powers and duties of court and clerk of court; filing and form of petition for injunction; notice and hearing; temporary injunction; issuance of injunction; enforcement.--

(2) There is created a cause of action for an injunction for protection against domestic violence.

(e) This cause of action for an injunction may be sought between persons residing within a single dwelling unit as though members of one household. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

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

HOUSE SUMMARY

Expands the protection of victims of domestic violence to include injunctive relief for any family member or cohabitant who is being victimized.

By the Committee on Judiciary-Civil and Senator Weinstein

Cost of 1.5 cents per page
for the information of members of the Legislature and the public.

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A bill to be entitled

An act relating to domestic violence; amending s. 741.30, F.S.; providing a cause of action for injunctive relief to any family member who is being victimized; redefining "domestic violence" by changing the definition of who constitutes a victim of such violence, conforming provisions relating to actions for protection against domestic violence; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1), paragraph (a) of subsection (2), and paragraph (b) of subsection (4) of section 741.30, Florida Statutes, 1986 Supplement, are amended, paragraphs (e) and (f) of subsection (2) of said section are redesignated as paragraphs (f) and (g), respectively, and a new paragraph (e) is added to said subsection, to read.

741.30 Action by-spouse for injunction for protection against domestic violence, powers and duties of court and clerk of court; filing and form of petition for injunction; notice and hearing, temporary injunction; issuance of injunction; enforcement.--

(1) As used in this section, the term:

(a) "Domestic violence" means any assault, battery, or sexual battery by a person against the person's spouse or against any other person related by blood or marriage to the petitioner or respondent, who is or was residing in the same single dwelling unit.

1 (2) There is created a cause of action for an
2 injunction for protection against domestic violence.

3 (a) Any spouse, or any person described in paragraph
4 (e), who is the victim of any act of domestic violence, or has
5 reasonable cause to believe he or she is about to become the
6 victim of any act of domestic violence, has standing in the
7 circuit court to file a sworn petition for an injunction for
8 protection against domestic violence.

9 (e) This cause of action for an injunction may be
10 sought between persons related by blood or marriage who are or
11 were residing within a single dwelling unit as though members
12 of one household. No person shall be precluded from seeking
13 injunctive relief pursuant to this chapter solely on the basis
14 that such person is not a spouse.

15 (4)

16 (b) The sworn petition shall be in substantially the
17 following form:

18 PETITION FOR
19 INJUNCTION FOR PROTECTION
20 AGAINST DOMESTIC VIOLENCE

21
22 Before me, the undersigned authority, personally appeared
23 Petitioner ...(Name)..., who has been sworn and says that the
24 following statements are true:

25 (a) Petitioner resides at: ...(address)...

26 (b) Respondent resides at: ...(address)...

27 (c) Respondent is the spouse or former spouse of the
28 petitioner or is any other person related by blood or marriage
29 to the petitioner who is or was residing within a single
30 dwelling unit with the petitioner.

1 (d) The following describes any other cause of action
2 currently pending between the petitioner and respondent ...

3

4 (e) Petitioner has suffered or has reasonable cause to
5 fear domestic violence because respondent has:

6 (f) Petitioner alleges the following additional
7 specific facts: (mark appropriate sections)

8 ... Petitioner is the custodian of a minor child or
9 children whose names and ages are as follows:

10 ... Petitioner needs the exclusive use and possession
11 of the dwelling that the parties share.

12 ... Petitioner is unable to obtain safe alternative
13 housing because

14 ... Petitioner genuinely fears that respondent will
15 abuse, remove, or hide the minor child or children from
16 petitioner because:

17 (g) Petitioner genuinely fears domestic violence by
18 respondent.

19 (h) Petitioner seeks an injunction: (mark appropriate
20 section or sections)

21 ... Immediately restraining the respondent from
22 committing any acts of domestic violence.

23 ... Restraining the respondent from committing any
24 acts of domestic violence.

25 ... Awarding to the petitioner the temporary exclusive
26 use and possession of the dwelling that the parties share or
27 excluding the respondent from the residence of the petitioner.

28 ... Awarding temporary custody of, or temporary
29 visitation rights with regard to, the minor child or children
30 of the parties.

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.... Establishing temporary support for the minor child or children of the petitioner.

.... Directing the respondent to participate in treatment or counseling services.

.... Providing any terms the court deems necessary for the protection of a victim of domestic violence, including any injunctions or directives to law enforcement agencies.

Section 2. This act shall take effect October 1, 1987.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 994

The committee substitute would allow persons related by blood or marriage who are or were residing within the same single dwelling unit to petition for an injunction for protection against domestic violence.