

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 160

SPONSOR: Senator Hargrett

SUBJECT: Domestic Violence

DATE: January 25, 1999

REVISED: 02/03/99 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Crosby</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/ 1 amendment</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 160 provides that, in order for a child to obtain an injunction for domestic violence based on acts by a family member, those acts must constitute harm or child abuse or neglect as defined in s. 39.01(30), F.S.

This bill substantially amends section 741.30, Florida Statutes.

II. Present Situation:

Presently, the term “domestic violence” is defined to mean “any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnaping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.” s. 741.28(1), F.S.

Section 741.30(1), F.S., creates a cause of action for an injunction for protection against domestic violence. This cause of action may be sought by family or household members. s. 741.30(1)(e), F.S.

Section 39.01(30), F.S., defines the term “harm” in great detail to include infliction of emotional, physical or mental injury; committing or allowing to be committed sexual battery; allowing or encouraging sexual exploitation; exploitation of a child; abandonment of the child; exposing the child to a controlled substance or alcohol; using mechanical devices, unreasonable restraint, or extended period of isolation to control a child; engaging in violent behavior that demonstrates a wanton disregard to the presence of a child; negligently failing to protect a child; and allowing a child’s sibling to die as a result of abuse, abandonment or neglect.

III. Effect of Proposed Changes:

Section 1 amends s. 741.30(1), F.S., adding a paragraph to provide that a child on his or her own or through a parent or legal guardian may not obtain an injunction for protection against domestic

violence based on acts committed by a family or household member unless those acts are found by the court to constitute “harm” or “child abuse or neglect” as defined in s. 39.01(30), F.S.

Section 2 provides an effective date of July 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Children and Families:

This is a technical amendment correcting the definitional references in the bill.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
