

By Senator Fasano

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1 A bill to be entitled
2 An act relating to domestic violence against family
3 pets; amending s. 741.28, F.S.; redefining the term
4 "domestic violence" to include inflicting, or
5 attempting to inflict, physical injury against an
6 animal owned, possessed, leased, kept, or held by one
7 family or household member by another family or
8 household member, or placing a family or household
9 member in fear of physical harm to an animal owned,
10 possessed, leased, kept, or held by that family or
11 household member; amending s. 741.30, F.S.; providing
12 that a court may issue an injunction for protection
13 against domestic violence granting the petitioner the
14 exclusive care, custody, or control of any animal
15 owned, possessed, leased, kept, or held by the
16 petitioner, the respondent, or a minor child residing
17 in the residence or household of the petitioner or
18 respondent; amending s. 741.31, F.S.; providing that
19 it is a first-degree misdemeanor for a person to
20 willfully violate an injunction for protection against
21 domestic violence by knowingly and intentionally
22 injuring or threatening to injure any animal owned,
23 possessed, leased, kept, or held by the petitioner,
24 the respondent, or a minor child of the petitioner or
25 respondent; providing criminal penalties; reenacting
26 s. 901.15(7), F.S., relating to an arrest without
27 warrant by a law enforcement officer, to incorporate
28 the amendment made to s. 741.31, F.S., in a reference
29 thereto; providing an effective date.

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

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33 Section 1. Subsection (2) of section 741.28, Florida
34 Statutes, is amended to read:

35 741.28 Domestic violence; definitions.—As used in ss.
36 741.28-741.31:

37 (2) "Domestic violence" means any assault, aggravated
38 assault, battery, aggravated battery, sexual assault, sexual
39 battery, stalking, aggravated stalking, kidnapping, false
40 imprisonment, or any criminal offense resulting in physical
41 injury or death of one family or household member by another
42 family or household member. The term also includes inflicting,
43 or attempting to inflict, physical injury against an animal
44 owned, possessed, leased, kept, or held by one family or
45 household member by another family or household member, or
46 placing a family or household member in fear of physical harm to
47 an animal owned, possessed, leased, kept, or held by that family
48 or household member.

49 Section 2. Paragraph (a) of subsection (6) of section
50 741.30, Florida Statutes, is amended to read:

51 741.30 Domestic violence; injunction; powers and duties of
52 court and clerk; petition; notice and hearing; temporary
53 injunction; issuance of injunction; statewide verification
54 system; enforcement.—

55 (6) (a) Upon notice and hearing, when it appears to the
56 court that the petitioner is either the victim of domestic
57 violence as defined by s. 741.28 or has reasonable cause to
58 believe he or she is in imminent danger of becoming a victim of

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59 domestic violence, the court may grant such relief as the court
60 deems proper, including an injunction:

61 1. Restraining the respondent from committing any acts of
62 domestic violence.

63 2. Awarding to the petitioner the exclusive use and
64 possession of the dwelling that the parties share or excluding
65 the respondent from the residence of the petitioner.

66 3. On the same basis as provided in chapter 61, providing
67 the petitioner with 100 percent of the time-sharing in a
68 temporary parenting plan that shall remain in effect until the
69 order expires or an order is entered by a court of competent
70 jurisdiction in a pending or subsequent civil action or
71 proceeding affecting the placement of, access to, parental time
72 with, adoption of, or parental rights and responsibilities for
73 the minor child.

74 4. On the same basis as provided in chapter 61,
75 establishing temporary support for a minor child or children or
76 the petitioner. An order of temporary support remains in effect
77 until the order expires or an order is entered by a court of
78 competent jurisdiction in a pending or subsequent civil action
79 or proceeding affecting child support.

80 5. Ordering the respondent to participate in treatment,
81 intervention, or counseling services to be paid for by the
82 respondent. When the court orders the respondent to participate
83 in a batterers' intervention program, the court, or any entity
84 designated by the court, must provide the respondent with a list
85 of all certified batterers' intervention programs and all
86 programs which have submitted an application to the Department
87 of Children and Family Services to become certified under s.

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88 741.32, from which the respondent must choose a program in which
89 to participate. If there are no certified batterers'
90 intervention programs in the circuit, the court shall provide a
91 list of acceptable programs from which the respondent must
92 choose a program in which to participate.

93 6. Referring a petitioner to a certified domestic violence
94 center. The court must provide the petitioner with a list of
95 certified domestic violence centers in the circuit which the
96 petitioner may contact.

97 7. Granting to the petitioner the exclusive care, custody,
98 or control of any animal owned, possessed, leased, kept, or held
99 by the petitioner, the respondent, or a minor child residing in
100 the residence or household of the petitioner or the respondent;
101 ordering the respondent to stay away from the animal; or
102 forbidding the respondent from taking, transferring,
103 encumbering, concealing, harming, or otherwise disposing of the
104 animal.

105 ~~8.7.~~ Ordering such other relief as the court deems
106 necessary for the protection of a victim of domestic violence,
107 including injunctions or directives to law enforcement agencies,
108 as provided in this section.

109 Section 3. Paragraph (a) of subsection (4) of section
110 741.31, Florida Statutes, is amended to read:

111 741.31 Violation of an injunction for protection against
112 domestic violence.—

113 (4) (a) A person who willfully violates an injunction for
114 protection against domestic violence issued pursuant to s.
115 741.30, or a foreign protection order accorded full faith and
116 credit pursuant to s. 741.315, by:

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117 1. Refusing to vacate the dwelling that the parties share;

118 2. Going to, or being within 500 feet of, the petitioner's
119 residence, school, place of employment, or a specified place
120 frequented regularly by the petitioner and any named family or
121 household member;

122 3. Committing an act of domestic violence against the
123 petitioner;

124 4. Committing any other violation of the injunction through
125 an intentional unlawful threat, word, or act to do violence to
126 the petitioner;

127 5. Telephoning, contacting, or otherwise communicating with
128 the petitioner directly or indirectly, unless the injunction
129 specifically allows indirect contact through a third party;

130 6. Knowingly and intentionally coming within 100 feet of
131 the petitioner's motor vehicle, whether or not that vehicle is
132 occupied;

133 7. Defacing or destroying the petitioner's personal
134 property, including the petitioner's motor vehicle; ~~or~~

135 8. Refusing to surrender firearms or ammunition if ordered
136 to do so by the court; or

137 9. Knowingly and intentionally injuring or threatening to
138 injure any animal owned, possessed, leased, kept, or held by the
139 petitioner, the respondent, or a minor child of the petitioner
140 or respondent,

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142 commits a misdemeanor of the first degree, punishable as
143 provided in s. 775.082 or s. 775.083.

144 Section 4. For the purpose of incorporating the amendment
145 made by this act to section 741.31, Florida Statutes, in a

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146 reference thereto, subsection (7) of section 901.15, Florida
147 Statutes, is reenacted to read:

148 901.15 When arrest by officer without warrant is lawful.—A
149 law enforcement officer may arrest a person without a warrant
150 when:

151 (7) There is probable cause to believe that the person has
152 committed an act of domestic violence, as defined in s. 741.28,
153 or dating violence, as provided in s. 784.046. The decision to
154 arrest shall not require consent of the victim or consideration
155 of the relationship of the parties. It is the public policy of
156 this state to strongly discourage arrest and charges of both
157 parties for domestic violence or dating violence on each other
158 and to encourage training of law enforcement and prosecutors in
159 these areas. A law enforcement officer who acts in good faith
160 and exercises due care in making an arrest under this
161 subsection, under s. 741.31(4) or s. 784.047, or pursuant to a
162 foreign order of protection accorded full faith and credit
163 pursuant to s. 741.315, is immune from civil liability that
164 otherwise might result by reason of his or her action.

165 Section 5. This act shall take effect July 1, 2011.