

By the Committees on Appropriations; Finance and Taxation;
Children and Families; and Senator Saunders

309-2269-02

1 A bill to be entitled
2 An act relating to domestic violence; amending
3 ss. 25.385, 39.902, 741.28, 943.171, F.S.;
4 redefining the terms "domestic violence" and
5 "family or household member"; amending s.
6 28.101, F.S.; increasing an additional charge
7 for a dissolution of marriage petition;
8 amending ss. 390.01115, 470.002, 626.9541,
9 641.3903, F.S.; conforming cross-references;
10 amending s. 741.281, F.S.; eliminating the
11 requirement that a court order certain
12 defendants to attend a batterers' intervention
13 program; amending s. 741.30, F.S.; specifying
14 when a person has standing to file a petition
15 for an injunction against domestic violence;
16 specifying where the petition may be filed;
17 prohibiting a filing fee for such petition;
18 providing for reimbursement to the clerks of
19 the circuit courts, subject to legislative
20 appropriation; providing for incidents that
21 describe violence or threats of violence;
22 specifying when a court may grant relief;
23 prescribing factors for the court to consider
24 in determining imminent danger; providing for
25 recording of proceedings; providing for the
26 presence of an advocate from a state attorney's
27 office, law enforcement agency, or domestic
28 violence center at injunction proceedings, upon
29 request; amending s. 741.31, F.S.; specifying
30 additional acts that violate an injunction
31 against domestic violence; providing a penalty;

1 amending s. 784.046, F.S.; providing for
2 actions by victims of dating violence;
3 providing a definition; providing a cause of
4 action for an injunction for protection in
5 cases of dating violence; providing a procedure
6 for filing a petition; providing for a hearing
7 and temporary or final judgment; redesignating
8 the Domestic and Repeat Violence Injunction
9 Statewide Verification System as the Domestic,
10 Dating, and Repeat Violence Injunction
11 Statewide Verification System; providing for
12 notice to the sheriff; amending ss. 784.047,
13 784.048, F.S.; providing penalties for
14 violating an injunction for protection against
15 dating violence; including a violation of such
16 injunction constitutes the offense of
17 aggravated stalking; providing a penalty;
18 amending s. 39.903, F.S.; requiring the
19 Department of Children and Family Services to
20 operate the domestic violence program;
21 specifying program purposes; repealing s.
22 741.466, F.S., relating to the "Prevention of
23 Domestic and Sexual Violence Program"; amending
24 s. 938.01, F.S.; specifying the amount of funds
25 available for use by the Department of Children
26 and Family Services and the Department of Law
27 Enforcement; repealing s. 4(2) of ch. 2001-184,
28 Laws of Florida, and s. 7(2) of ch. 2001-232,
29 Laws of Florida, relating to funding for the
30 Prevention of Domestic and Sexual Violence
31 Program; providing an effective date.

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

2
3 Section 1. Subsection (2) of section 25.385, Florida
4 Statutes, is amended to read:

5 25.385 Standards for instruction of circuit and county
6 court judges in handling domestic violence cases.--

7 (2) As used in this section:

8 (a) The term "domestic violence" has the meaning set
9 forth in s. 741.28 ~~means any assault, battery, sexual assault,~~
10 ~~sexual battery, or any criminal offense resulting in physical~~
11 ~~injury or death of one family or household member by another,~~
12 ~~who is or was residing in the same single dwelling unit.~~

13 (b) ~~The term~~ "family or household member" has the
14 meaning set forth in s. 741.28 ~~means spouse, former spouse,~~
15 ~~persons related by blood or marriage, persons who are~~
16 ~~presently residing together, as if a family, or who have~~
17 ~~resided together in the past, as if a family, and persons who~~
18 ~~have a child in common regardless of whether they have been~~
19 ~~married or have resided together at any time.~~

20 Section 2. Paragraph (c) of subsection (1) of section
21 28.101, Florida Statutes, as amended by section 4 of chapter
22 2001-122, Laws of Florida, is amended to read:

23 28.101 Petitions and records of dissolution of
24 marriage; additional charges.--

25 (1) When a party petitions for a dissolution of
26 marriage, in addition to the filing charges in s. 28.241, the
27 clerk shall collect and receive:

28 (c) A charge of \$36~~\$18~~. On a monthly basis, the clerk
29 shall transfer the moneys collected pursuant to this paragraph
30 to the Department of Revenue for deposit in the Domestic
31 Violence Trust Fund. Such funds which are generated shall be

1 directed to the Department of Children and Family Services for
2 the specific purpose of funding domestic violence centers.

3 Section 3. Subsections (1) and (3) of section 39.902,
4 Florida Statutes, are amended to read:

5 39.902 Definitions.--As used in this part, the term:

6 (1) "Domestic violence" has the meaning set forth in
7 s. 741.28 ~~means any assault, battery, sexual assault, sexual~~
8 ~~battery, or any criminal offense resulting in physical injury~~
9 ~~or death of one family or household member by another who is~~
10 ~~or was residing in the same single dwelling unit.~~

11 (3) "Family or household member" has the meaning set
12 forth in s. 741.28 ~~means spouses, former spouses, adults~~
13 ~~related by blood or marriage, persons who are presently~~
14 ~~residing together as if a family or who have resided together~~
15 ~~in the past as if a family, and persons who have a child in~~
16 ~~common regardless of whether they have been married or have~~
17 ~~resided together at any time.~~

18 Section 4. Paragraphs (b) and (e) of subsection (2) of
19 section 390.01115, Florida Statutes, are amended to read:

20 390.01115 Parental Notice of Abortion Act.--

21 (2) DEFINITIONS.--As used in this section, the term:

22 (b) "Child abuse" has the meaning ascribed in s.
23 39.0015(3) and refers to the acts of child abuse against a
24 minor by a family member as defined in s. 741.28 ~~s. 741.28(2)~~.

25 (e) "Sexual abuse" has the meaning ascribed in s.
26 39.01 and refers to the acts of sexual abuse against a minor
27 by a family member as defined in s. 741.28 ~~s. 741.28(2)~~.

28 Section 5. Subsection (18) of section 470.002, Florida
29 Statutes, is amended to read:

30 470.002 Definitions.--As used in this chapter:

31

1 (18) "Legally authorized person" means, in the
2 priority listed, the decedent, when written inter vivos
3 authorizations and directions are provided by the decedent,
4 the surviving spouse, unless the spouse has been arrested for
5 committing against the deceased an act of domestic violence as
6 defined in s. 741.28~~(1)~~, a son or daughter who is 18 years of
7 age or older, a parent, a brother or sister 18 years of age or
8 over, a grandchild who is 18 years of age or older, or a
9 grandparent; or any person in the next degree of kinship. In
10 addition, the term may include, if no family exists or is
11 available, the following: the guardian of the dead person at
12 the time of death; the personal representative of the
13 deceased; the attorney in fact of the dead person at the time
14 of death; the health surrogate of the dead person at the time
15 of death; a public health officer; the medical examiner,
16 county commission or administrator acting under chapter 245,
17 or other public administrator; a representative of a nursing
18 home or other health care institution in charge of final
19 disposition; or a friend or other person not listed in this
20 subsection who is willing to assume the responsibility as
21 authorized person.

22 Section 6. Paragraph (g) of subsection (1) of section
23 626.9541, Florida Statutes, is amended to read:

24 626.9541 Unfair methods of competition and unfair or
25 deceptive acts or practices defined.--

26 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR
27 DECEPTIVE ACTS.--The following are defined as unfair methods
28 of competition and unfair or deceptive acts or practices:

29 (g) Unfair discrimination.--

30 1. Knowingly making or permitting any unfair
31 discrimination between individuals of the same actuarially

1 supportable class and equal expectation of life, in the rates
2 charged for any life insurance or annuity contract, in the
3 dividends or other benefits payable thereon, or in any other
4 of the terms and conditions of such contract.

5 2. Knowingly making or permitting any unfair
6 discrimination between individuals of the same actuarially
7 supportable class and essentially the same hazard, in the
8 amount of premium, policy fees, or rates charged for any
9 policy or contract of accident, disability, or health
10 insurance, in the benefits payable thereunder, in any of the
11 terms or conditions of such contract, or in any other manner
12 whatever.

13 3. For a health insurer, life insurer, disability
14 insurer, property and casualty insurer, automobile insurer, or
15 managed care provider to underwrite a policy, or refuse to
16 issue, reissue, or renew a policy, refuse to pay a claim,
17 cancel or otherwise terminate a policy, or increase rates
18 based upon the fact that an insured or applicant who is also
19 the proposed insured has made a claim or sought or should have
20 sought medical or psychological treatment in the past for
21 abuse, protection from abuse, or shelter from abuse, or that a
22 claim was caused in the past by, or might occur as a result
23 of, any future assault, battery, or sexual assault by a family
24 or household member upon another family or household member as
25 defined in s. 741.28~~(2)~~. A health insurer, life insurer,
26 disability insurer, or managed care provider may refuse to
27 underwrite, issue, or renew a policy based on the applicant's
28 medical condition, but shall not consider whether such
29 condition was caused by an act of abuse. For purposes of this
30 section, the term "abuse" means the occurrence of one or more
31 of the following acts:

1 a. Attempting or committing assault, battery, sexual
2 assault, or sexual battery;

3 b. Placing another in fear of imminent serious bodily
4 injury by physical menace;

5 c. False imprisonment;

6 d. Physically or sexually abusing a minor child; or

7 e. An act of domestic violence as defined in s.
8 741.28.

9
10 This subparagraph does not prohibit a property and casualty
11 insurer or an automobile insurer from excluding coverage for
12 intentional acts by the insured if such exclusion does not
13 constitute an act of unfair discrimination as defined in this
14 paragraph.

15 Section 7. Paragraph (b) of subsection (12) of section
16 641.3903, Florida Statutes, is amended to read:

17 641.3903 Unfair methods of competition and unfair or
18 deceptive acts or practices defined.--The following are
19 defined as unfair methods of competition and unfair or
20 deceptive acts or practices:

21 (12) PROHIBITED DISCRIMINATORY PRACTICES.--A health
22 maintenance organization may not:

23 (b) Refuse to provide services or care to a subscriber
24 solely because medical services may be or have been sought for
25 injuries resulting from an assault, battery, sexual assault,
26 sexual battery, or any other offense by a family or household
27 member, as defined in s. 741.28~~(2)~~, or by another who is or
28 was residing in the same dwelling unit.

29 Section 8. Section 741.28, Florida Statutes, is
30 amended to read:

31

1 741.28 Domestic violence; definitions.--As used in ss.
2 741.28-741.31, the term:

3 (1) "Domestic violence" means any assault, aggravated
4 assault, battery, aggravated battery, sexual assault, sexual
5 battery, stalking, aggravated stalking, kidnapping, false
6 imprisonment, or any criminal offense resulting in physical
7 injury or death of one family or household member by another
8 ~~who is or was residing in the same single dwelling unit.~~

9 (2) "Family or household member" means spouses, former
10 spouses, persons related by blood or marriage, persons who are
11 presently residing together as if a family or who have resided
12 together in the past as if a family, and persons who are
13 parents of ~~have~~ a child in common regardless of whether they
14 have been married ~~or have resided together at any time.~~ With
15 the exception of persons who are parents of a child in common,
16 the family or household members must be currently residing or
17 have in the past resided together in the same single dwelling
18 unit.

19 (3) "Department" means the Florida Department of Law
20 Enforcement.

21 (4) "Law enforcement officer" means any person who is
22 elected, appointed, or employed by any municipality or the
23 state or any political subdivision thereof who meets the
24 minimum qualifications established in s. 943.13 and is
25 certified as a law enforcement officer under s. 943.1395.

26 Section 9. Section 741.281, Florida Statutes, is
27 amended to read:

28 741.281 Court to order batterers' intervention program
29 attendance.--If a person is found guilty of, has had
30 adjudication withheld on, or has pled nolo contendere to a
31 crime of domestic violence, as defined in s. 741.28, that

1 person shall be ordered by the court to a minimum term of 1
2 year's probation and the court shall order that the defendant
3 attend a batterers' intervention program as a condition of
4 probation. ~~If a person is admitted to a pretrial diversion~~
5 ~~program and has been charged with an act of domestic violence,~~
6 ~~as defined in s. 741.28, the court shall order as a condition~~
7 ~~of the program that the defendant attend a batterers'~~
8 ~~intervention program.~~The court must impose the condition of
9 the batterers' intervention program for a defendant admitted
10 ~~to pretrial diversion~~ under this section, but the court, in
11 its discretion, may determine not to impose the condition if
12 it states on the record why a batterers' intervention program
13 might be inappropriate. The court must impose the condition
14 of the batterers' intervention program for a defendant placed
15 on probation unless the court determines that the person does
16 not qualify for the batterers' intervention program pursuant
17 to s. 741.325. Effective July 1, 2002, the batterers'
18 intervention program must be a certified program under s.
19 741.32. The imposition of probation under this section shall
20 not preclude the court from imposing any sentence of
21 imprisonment authorized by s. 775.082.

22 Section 10. Subsection (1), paragraph (a) of
23 subsection (2), and subsections (3) and (6) of section 741.30,
24 Florida Statutes, are amended, present subsections (7), (8),
25 and (9) are renumbered as subsections (8), (9) and (10),
26 respectively, and a new subsection (7) is added to that
27 section, to read:

28 741.30 Domestic violence; injunction; powers and
29 duties of court and clerk; petition; notice and hearing;
30 temporary injunction; issuance of injunction; statewide
31 verification system; enforcement.--

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

3 (a) Any person described in paragraph (e), who is
4 either the victim of ~~any act of~~ domestic violence as defined
5 in s. 741.28, or has reasonable cause to believe he or she is
6 in imminent danger of becoming the victim of any act of
7 domestic violence, has standing in the circuit court to file a
8 sworn petition for an injunction for protection against
9 domestic violence.

10 (b) This cause of action for an injunction may be
11 sought whether or not any other cause of action is currently
12 pending between the parties. However, the pendency of any such
13 cause of action shall be alleged in the petition.

14 (c) In the event a subsequent cause of action is filed
15 under chapter 61, any orders entered therein shall take
16 precedence over any inconsistent provisions of an injunction
17 issued under this section which addresses matters governed by
18 chapter 61.

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

22 (e) This cause of action for an injunction may be
23 sought by family or household members. 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 (f) This cause of action for an injunction shall not
27 require that either party be represented by an attorney.

28 (g) Any person, including an officer of the court, who
29 offers evidence or recommendations relating to the cause of
30 action must either present the evidence or recommendations in
31 writing to the court with copies to each party and their

1 attorney, or must present the evidence under oath at a hearing
2 at which all parties are present.

3 (h) Nothing in this section shall affect the title to
4 any real estate.

5 (i) The court is prohibited from issuing mutual orders
6 of protection. This does not preclude the court from issuing
7 separate injunctions for protection against domestic violence
8 where each party has complied with the provisions of this
9 section. Compliance with the provisions of this section cannot
10 be waived.

11 (j) Notwithstanding any provision of chapter 47, a
12 petition for an injunction for protection against domestic
13 violence may be filed in the circuit where the petitioner
14 currently or temporarily resides, where the respondent
15 resides, or where the domestic violence occurred. There is no
16 minimum requirement of residency to petition for an injunction
17 for protection.

18 (2)(a) Notwithstanding any other provision of law, the
19 assessment of a filing fee for a petition for protection
20 against domestic violence is prohibited effective October 1,
21 2002. However, subject to legislative appropriation, the clerk
22 of the circuit court may, on a quarterly basis, submit to the
23 Office of the State Courts Administrator the copies of
24 petitions for protection against domestic violence issued by
25 the court for reimbursement at the rate of \$40 per petition.
26 From this reimbursement, the clerk shall pay any law
27 enforcement agency serving the injunction the fee requested by
28 the law enforcement agency which may not exceed \$20.~~the total~~
29 ~~charge, including any administration fees, law enforcement~~
30 ~~agency charges, and court costs or service charges, for any~~
31 ~~court to issue an injunction concerning domestic violence~~

1 ~~under chapter 741 or chapter 784 shall not exceed \$50. The~~
2 ~~total charge by any law enforcement agency to serve an~~
3 ~~injunction or restraining order concerning violence shall not~~
4 ~~exceed \$20. The remaining \$30 fee collected for an injunction~~
5 ~~under chapter 741 shall only be applied to the initial \$40~~
6 ~~service charge collected by the clerk of the court as provided~~
7 ~~in s. 28.241(1). In the event the victim does not have~~
8 ~~sufficient funds with which to pay filing fees to the clerk of~~
9 ~~the court or service fees to the sheriff or law enforcement~~
10 ~~agency and signs an affidavit stating so, the fees shall be~~
11 ~~waived by the clerk of the court or the sheriff or law~~
12 ~~enforcement agency to the extent necessary to process the~~
13 ~~petition and serve the injunction, subject to a subsequent~~
14 ~~order of the court relative to the payment of such fees.~~

15 (3)(a) The sworn petition shall allege the existence
16 of such domestic violence and shall include the specific facts
17 and circumstances upon the basis of which relief is sought.

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

20
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 (Petitioner may furnish address to the court in a
30 separate confidential filing if, for safety reasons, the
31

1 petitioner requires the location of the current residence to
2 be confidential.)
3 (b) Respondent resides at: ...(last known address)...
4 (c) Respondent's last known place of employment:
5 ...(name of business and address)...
6 (d) Physical description of respondent:
7 Race....
8 Sex....
9 Date of birth....
10 Height....
11 Weight....
12 Eye color....
13 Hair color....
14 Distinguishing marks or scars....
15 (e) Aliases of respondent:
16 (f) Respondent is the spouse or former spouse of the
17 petitioner or is any other person related by blood or marriage
18 to the petitioner or is any other person who is or was
19 residing within a single dwelling unit with the petitioner, as
20 if a family, or is a person with whom the petitioner has a
21 child in common, regardless of whether the petitioner and
22 respondent are or were married or residing together, as if a
23 family.
24 (g) The following describes any other cause of action
25 currently pending between the petitioner and respondent:
26
27 The petitioner should also describe any previous or
28 pending attempts by the petitioner to obtain an injunction for
29 protection against domestic violence in this or any other
30 circuit, and the results of that attempt.....
31

1 Case numbers should be included if available.

2 (h) Petitioner is either a victim of domestic violence
3 ~~has suffered~~ or has reasonable cause to believe he or she is
4 in imminent danger of becoming a victim of ~~fear imminent~~
5 domestic violence because respondent has(mark all
6 sections that apply and describe in the spaces below the
7 incidents of violence or threats of violence, specifying when
8 and where they occurred, including, but not limited to,
9 locations such as a home, school, place of employment, or
10 visitation exchange)....:

11committed or threatened to commit domestic violence
12 defined in s. 741.28, Florida Statutes, as any assault,
13 aggravated assault, battery, aggravated battery, sexual
14 assault, sexual battery, stalking, aggravated stalking,
15 kidnapping, false imprisonment, or any criminal offense
16 resulting in physical injury or death of one family or
17 household member by another. With the exception of persons who
18 are parents of a child in common and those in a dating
19 relationship, the family or household members must be
20 currently residing or have in the past resided together in the
21 same single dwelling unit.

22previously threatened, harassed, stalked, or
23 physically abused the petitioner.

24attempted to harm the petitioner or family members
25 or individuals closely associated with the petitioner.

26threatened to conceal, kidnap, or harm the
27 petitioner's child or children.

28intentionally injured or killed a family pet.

29used, or has threatened to use, against the
30 petitioner any weapons such as guns or knives.

31

1 physically restrained the petitioner from leaving
2 the home or calling law enforcement.
3 a criminal history involving violence or the threat
4 of violence (if known).
5 another order of protection issued against him or
6 her previously or from another jurisdiction (if known).
7 destroyed personal property, including, but not
8 limited to, telephones or other communication equipment,
9 clothing, or other items belonging to the petitioner.
10 engaged in any other behavior or conduct that leads
11 the petitioner to have reasonable cause to believe he or she
12 is in imminent danger of becoming a victim of domestic
13 violence.
14 (i) Petitioner alleges the following additional
15 specific facts: (mark appropriate sections)
16 Petitioner is the custodian of a minor child or
17 children whose names and ages are as follows:
18 Petitioner needs the exclusive use and possession
19 of the dwelling that the parties share.
20 Petitioner is unable to obtain safe alternative
21 housing because:
22 Petitioner genuinely fears that respondent
23 imminently will abuse, remove, or hide the minor child or
24 children from petitioner because:
25
26 (j) Petitioner genuinely fears imminent domestic
27 violence by respondent.
28 (k) Petitioner seeks an injunction: (mark appropriate
29 section or sections)
30 Immediately restraining the respondent from
31 committing any acts of domestic violence.

1 (d) If the sworn petition seeks to determine issues of
2 custody or visitation with regard to the minor child or
3 children of the parties, the sworn petition shall be
4 accompanied by or shall incorporate the allegations required
5 by s. 61.132 of the Uniform Child Custody Jurisdiction Act.

6 (6)(a) Upon notice and hearing, when it appears to the
7 court that the petitioner is either the victim of domestic
8 violence as defined by s. 741.28 or has reasonable cause to
9 believe he or she is in imminent danger of becoming a victim
10 of domestic violence, the court may grant such relief as the
11 court deems proper, including an injunction:

12 1. Restraining the respondent from committing any acts
13 of domestic violence.

14 2. Awarding to the petitioner the exclusive use and
15 possession of the dwelling that the parties share or excluding
16 the respondent from the residence of the petitioner.

17 3. On the same basis as provided in chapter 61,
18 awarding temporary custody of, or temporary visitation rights
19 with regard to, a minor child or children of the parties.

20 4. On the same basis as provided in chapter 61,
21 establishing temporary support for a minor child or children
22 or the petitioner.

23 5. Ordering the respondent to participate in
24 treatment, intervention, or counseling services to be paid for
25 by the respondent. When the court orders the respondent to
26 participate in a batterers' intervention program, the court,
27 or any entity designated by the court, must provide the
28 respondent with a list of all certified batterers'
29 intervention programs and all programs which have submitted an
30 application to the Department of Corrections to become
31 certified under s. 741.325, from which the respondent must

1 choose a program in which to participate. If there are no
2 certified batterers' intervention programs in the circuit, the
3 court shall provide a list of acceptable programs from which
4 the respondent must choose a program in which to participate.

5 6. Referring a petitioner to a certified domestic
6 violence center. The court must provide the petitioner with a
7 list of certified domestic violence centers in the circuit
8 which the petitioner may contact.

9 7. Ordering such other relief as the court deems
10 necessary for the protection of a victim of domestic violence,
11 including injunctions or directives to law enforcement
12 agencies, as provided in this section.

13 (b) In determining whether a petitioner has reasonable
14 cause to believe he or she is in imminent danger of becoming a
15 victim of domestic violence, the court shall consider and
16 evaluate all relevant factors alleged in the petition,
17 including, but not limited to:

18 1. The history between the petitioner and the
19 respondent, including threats, harassment, stalking, and
20 physical abuse.

21 2. Whether the respondent has attempted to harm the
22 petitioner or family members or individuals closely associated
23 with the petitioner.

24 3. Whether the respondent has threatened to conceal,
25 kidnap, or harm the petitioner's child or children.

26 4. Whether the respondent has intentionally injured or
27 killed a family pet.

28 5. Whether the respondent has used, or has threatened
29 to use, against the petitioner any weapons such as guns or
30 knives.

31

1 6. Whether the respondent has physically restrained
2 the petitioner from leaving the home or calling law
3 enforcement.

4 7. Whether the respondent has a criminal history
5 involving violence or the threat of violence.

6 8. The existence of a verifiable order of protection
7 issued previously or from another jurisdiction.

8 9. Whether the respondent has destroyed personal
9 property, including, but not limited to, telephones or other
10 communications equipment, clothing, or other items belonging
11 to the petitioner.

12 10. Whether the respondent engaged in any other
13 behavior or conduct that leads the petitioner to have
14 reasonable cause to believe that he or she is in imminent
15 danger of becoming a victim of domestic violence.

16
17 In making its determination under this paragraph, the court is
18 not limited to those factors enumerated in subparagraphs
19 1.-10.

20 ~~(c)(b)~~ The terms of an injunction restraining the
21 respondent under subparagraph (a)1. or ordering other relief
22 for the protection of the victim under subparagraph (a)7.
23 shall remain in effect until modified or dissolved. Either
24 party may move at any time to modify or dissolve the
25 injunction. No specific allegations are required. Such relief
26 may be granted in addition to other civil or criminal
27 remedies.

28 ~~(d)(c)~~ A temporary or final judgment on injunction for
29 protection against domestic violence entered pursuant to this
30 section shall, on its face, indicate that:

31

1 1. The injunction is valid and enforceable in all
2 counties of the State of Florida.

3 2. Law enforcement officers may use their arrest
4 powers pursuant to s. 901.15(6) to enforce the terms of the
5 injunction.

6 3. The court had jurisdiction over the parties and
7 matter under the laws of Florida and that reasonable notice
8 and opportunity to be heard was given to the person against
9 whom the order is sought sufficient to protect that person's
10 right to due process.

11 4. The date respondent was served with the temporary
12 or final order, if obtainable.

13 (e)~~(d)~~ An injunction for protection against domestic
14 violence entered pursuant to this section, on its face, may
15 order that the respondent attend a batterers' intervention
16 program as a condition of the injunction. Unless the court
17 makes written factual findings in its judgment or order which
18 are based on substantial evidence, stating why batterers'
19 intervention programs would be inappropriate, the court shall
20 order the respondent to attend a batterers' intervention
21 program if:

22 1. It finds that the respondent willfully violated the
23 ex parte injunction;

24 2. The respondent, in this state or any other state,
25 has been convicted of, had adjudication withheld on, or pled
26 nolo contendere to a crime involving violence or a threat of
27 violence; or

28 3. The respondent, in this state or any other state,
29 has had at any time a prior injunction for protection entered
30 against the respondent after a hearing with notice.

31

1 It is mandatory that such programs be certified under s.
2 741.32.

3 (f)~~(e)~~ The fact that a separate order of protection is
4 granted to each opposing party shall not be legally sufficient
5 to deny any remedy to either party or to prove that the
6 parties are equally at fault or equally endangered.

7 (g)~~(f)~~ A final judgment on injunction for protection
8 against domestic violence entered pursuant to this section
9 must, on its face, indicate that it is a violation of s.
10 790.233, and a first degree misdemeanor, for the respondent to
11 have in his or her care, custody, possession, or control any
12 firearm or ammunition.

13 (h) All proceedings under this subsection shall be
14 recorded. Recording may be by electronic means as provided by
15 the Rules of Judicial Administration.

16 (7) The court shall allow an advocate from a state
17 attorney's office, an advocate from a law enforcement agency,
18 or an advocate from a certified domestic violence center who
19 is registered under s. 39.905 to be present with the
20 petitioner or respondent during any court proceedings or
21 hearings related to the injunction for protection, provided
22 the petitioner or respondent has made such a request and the
23 advocate is able to be present.

24 Section 11. Paragraph (a) of subsection (4) of section
25 741.31, Florida Statutes, is amended to read:

26 741.31 Violation of an injunction for protection
27 against domestic violence.--

28 (4)(a) A person who willfully violates an injunction
29 for protection against domestic violence issued pursuant to s.
30 741.30, or a foreign protection order accorded full faith and
31 credit pursuant to s. 741.315, by:

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

3 2. Going to, or being within 500 feet of, the
4 petitioner's residence, school, place of employment, or a
5 specified place frequented regularly by the petitioner and any
6 named family or household member;

7 3. Committing an act of domestic violence against the
8 petitioner;

9 4. Committing any other violation of the injunction
10 through an intentional unlawful threat, word, or act to do
11 violence to the petitioner; ~~or~~

12 5. Telephoning, contacting, or otherwise communicating
13 with the petitioner directly or indirectly, unless the
14 injunction specifically allows indirect contact through a
15 third party;

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

19 7. Defacing or destroying the petitioner's personal
20 property, including the petitioner's motor vehicle; or

21 8. Refusing to surrender firearms or ammunition if
22 ordered to do so by the court

23
24 commits a misdemeanor of the first degree, punishable as
25 provided in s. 775.082 or s. 775.083.

26 Section 12. Subsection (2) of section 943.171, Florida
27 Statutes, is amended to read:

28 943.171 Basic skills training in handling domestic
29 violence cases.--

30 (2) As used in this section, the term:

31

1 (a) "Domestic violence" has the meaning set forth in
2 s. 741.28 ~~means any assault, battery, sexual assault, sexual~~
3 ~~battery, or any criminal offense resulting in the physical~~
4 ~~injury or death of one family or household member by another~~
5 ~~who is or was residing in the same single dwelling unit.~~

6 (b) "Household member" has the meaning set forth in s.
7 741.28(4) ~~means spouse, former spouse, persons related by~~
8 ~~blood or marriage, persons who are presently residing~~
9 ~~together, as if a family, or who have resided together in the~~
10 ~~past, as if a family, and persons who have a child in common~~
11 ~~regardless of whether they have been married or have resided~~
12 ~~together at any time.~~

13 Section 13. Section 784.046, Florida Statutes, is
14 amended to read:

15 784.046 Action by victim of repeat violence or dating
16 violence for protective injunction; powers and duties of court
17 and clerk of court; filing and form of petition; notice and
18 hearing; temporary injunction; issuance; statewide
19 verification system; enforcement.--

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

21 (a) "Violence" means any assault, battery, sexual
22 battery, ~~or~~ stalking, aggravated stalking, kidnapping, false
23 imprisonment, or any criminal offense resulting in physical
24 injury or death by a person against any other person.

25 (b) "Repeat violence" means two incidents of violence
26 or stalking committed by the respondent, one of which must
27 have been within 6 months of the filing of the petition, which
28 are directed against the petitioner or the petitioner's
29 immediate family member.

30 (c) "Dating violence" means violence between
31 individuals who have or have had a continuing and significant

1 relationship of a romantic or intimate nature. The existence
2 of such a relationship shall be determined based on the
3 consideration of the following factors:

4 1. A substantive dating relationship must have existed
5 within the past 6 months;

6 2. The nature of the relationship must have been
7 characterized by the expectation of affection or sexual
8 involvement between the parties; and

9 3. The frequency and type of interaction between the
10 persons involved in the relationship must have included that
11 the persons have been involved over time and on a continuous
12 basis during the course of the relationship.

13
14 The term does not include violence in a casual
15 acquaintanceship or violence between individuals who only have
16 engaged in ordinary fraternization in a business or social
17 context.

18 (2) There is created a cause of action for an
19 injunction for protection in cases of repeat violence and
20 there is created a separate cause of action for an injunction
21 for protection in cases of dating violence.

22 (a) Any person who is the victim of repeat violence or
23 the parent or legal guardian of any minor child who is living
24 at home and who seeks an injunction for protection against
25 repeat violence on behalf of the minor child has standing in
26 the circuit court to file a sworn petition for an injunction
27 for protection against repeat violence.

28 (b) Any person, who is the victim of dating violence
29 and has reasonable cause to believe he or she is in imminent
30 danger of becoming the victim of another act of dating
31 violence or has reasonable cause to believe he or she is in

1 imminent danger of becoming the victim of an act of dating
2 violence, or the parent or legal guardian of any minor child
3 who is living at home and who seeks an injunction for
4 protection against dating violence on behalf of that minor
5 child, has standing in the circuit court to file a sworn
6 petition for an injunction for protection against dating
7 violence.

8 (c)~~(b)~~ This cause of action for an injunction may be
9 sought whether or not any other petition, complaint, or cause
10 of action is currently available or pending between the
11 parties.

12 (d)~~(c)~~ This cause of action for an injunction shall
13 not require that the petitioner be represented by an attorney.

14 (3)(a) The clerk of the court shall provide a copy of
15 this section, simplified forms, and clerical assistance for
16 the preparation and filing of such a petition by any person
17 who is not represented by counsel.

18 (b) In the event the person desiring to file for an
19 injunction pursuant to this section does not have sufficient
20 funds with which to pay filing fees to the clerk of the court
21 or service fees to the sheriff or law enforcement agency and
22 signs an affidavit so stating, the fees shall be waived by the
23 clerk of the court or the sheriff or law enforcement agency to
24 the extent necessary to process the petition and serve the
25 injunction, subject to a subsequent order of the court
26 relative to the payment of such fees.

27 (c) No bond shall be required by the court for the
28 entry of an injunction.

29 (d) The clerk of the court shall provide the
30 petitioner with a certified copy of any injunction for
31

1 protection against repeat violence or dating violence entered
2 by the court.

3 (4)(a) The sworn petition shall allege the incidents
4 of repeat violence or dating violence and shall include the
5 specific facts and circumstances which form the basis upon
6 which relief is sought. With respect to a minor child who is
7 living at home, the parent or legal guardian of the minor
8 child must have been an eyewitness to, or have direct physical
9 evidence or affidavits from eyewitnesses of, the specific
10 facts and circumstances which form the basis upon which relief
11 is sought.

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

14
15 PETITION FOR INJUNCTION FOR
16 PROTECTION AGAINST REPEAT VIOLENCE
17

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

- 21
- 22 1. Petitioner resides at ...(address)...
 - 23 2. Respondent resides at ...(address)...
 - 24 3.a. Petitioner has suffered repeat violence as
25 demonstrated by the fact that the respondent has:
26 ...(enumerate incidents of violence)...

27
28
29
30
31

1 petition, notice of hearing, and temporary injunction, if any,
2 prior to the hearing.

3 (6)(a) When it appears to the court that an immediate
4 and present danger of ~~repeat~~ violence exists, the court may
5 grant a temporary injunction which may be granted in an ex
6 parte hearing, pending a full hearing, and may grant such
7 relief as the court deems proper, including an injunction
8 enjoining the respondent from committing any acts of ~~repeat~~
9 violence.

10 (b) In a hearing ex parte for the purpose of obtaining
11 such temporary injunction, no evidence other than the verified
12 pleading or affidavit shall be used as evidence, unless the
13 respondent appears at the hearing or has received reasonable
14 notice of the hearing.

15 (c) Any such ex parte temporary injunction shall be
16 effective for a fixed period not to exceed 15 days. A full
17 hearing, as provided by this section, shall be set for a date
18 no later than the date when the temporary injunction ceases to
19 be effective. The court may grant a continuance of the ex
20 parte injunction and the full hearing before or during a
21 hearing, for good cause shown by any party.

22 (7) Upon notice and hearing, the court may grant such
23 relief as the court deems proper, including an injunction:

24 (a) Enjoining the respondent from committing any acts
25 of violence.

26 (b) Ordering such other relief as the court deems
27 necessary for the protection of the petitioner, including
28 injunctions or directives to law enforcement agencies, as
29 provided in this section.

30 (c) The terms of the injunction shall remain in full
31 force and effect until modified or dissolved. Either party may

1 move at any time to modify or dissolve the injunction. Such
2 relief may be granted in addition to other civil or criminal
3 remedies.

4 (d) A temporary or final judgment on injunction for
5 protection against repeat violence or dating violence entered
6 pursuant to this section shall, on its face, indicate that:

7 1. The injunction is valid and enforceable in all
8 counties of the State of Florida.

9 2. Law enforcement officers may use their arrest
10 powers pursuant to s. 901.15(6) to enforce the terms of the
11 injunction.

12 3. The court had jurisdiction over the parties and
13 matter under the laws of Florida and that reasonable notice
14 and opportunity to be heard was given to the person against
15 whom the order is sought sufficient to protect that person's
16 right to due process.

17 4. The date that the respondent was served with the
18 temporary or final order, if obtainable.

19 (8)(a)1. The clerk of the court shall furnish a copy
20 of the petition, notice of hearing, and temporary injunction,
21 if any, to the sheriff or a law enforcement agency of the
22 county where the respondent resides or can be found, who shall
23 serve it upon the respondent as soon thereafter as possible on
24 any day of the week and at any time of the day or night. The
25 clerk of the court shall be responsible for furnishing to the
26 sheriff such information on the respondent's physical
27 description and location as is required by the department to
28 comply with the verification procedures set forth in this
29 section. Notwithstanding any other provision of law to the
30 contrary, the chief judge of each circuit, in consultation
31 with the appropriate sheriff, may authorize a law enforcement

1 agency within the chief judge's jurisdiction to effect this
2 type of service and to receive a portion of the service fee.
3 No person shall be authorized or permitted to serve or execute
4 an injunction issued under this section unless the person is a
5 law enforcement officer as defined in chapter 943.

6 2. When an injunction is issued, if the petitioner
7 requests the assistance of a law enforcement agency, the court
8 may order that an officer from the appropriate law enforcement
9 agency accompany the petitioner and assist in the execution or
10 service of the injunction. A law enforcement officer shall
11 accept a copy of an injunction for protection against repeat
12 violence or dating violence, certified by the clerk of the
13 court, from the petitioner and immediately serve it upon a
14 respondent who has been located but not yet served.

15 (b) There shall be created a Domestic, Dating, and
16 Repeat Violence Injunction Statewide Verification System
17 within the Department of Law Enforcement. The department shall
18 establish, implement, and maintain a statewide communication
19 system capable of electronically transmitting information to
20 and between criminal justice agencies relating to domestic
21 violence injunctions and repeat violence injunctions issued by
22 the courts throughout the state. Such information must
23 include, but is not limited to, information as to the
24 existence and status of any injunction for verification
25 purposes.

26 (c)1. Within 24 hours after the court issues an
27 injunction for protection against repeat violence or dating
28 violence or changes or vacates an injunction for protection
29 against repeat violence or dating violence, the clerk of the
30 court must forward a copy of the injunction to the sheriff
31 with jurisdiction over the residence of the petitioner.

1 2. Within 24 hours after service of process of an
2 injunction for protection against repeat violence or dating
3 violence upon a respondent, the law enforcement officer must
4 forward the written proof of service of process to the sheriff
5 with jurisdiction over the residence of the petitioner.

6 3. Within 24 hours after the sheriff receives a
7 certified copy of the injunction for protection against repeat
8 violence or dating violence, the sheriff must make information
9 relating to the injunction available to other law enforcement
10 agencies by electronically transmitting such information to
11 the department.

12 4. Within 24 hours after the sheriff or other law
13 enforcement officer has made service upon the respondent and
14 the sheriff has been so notified, the sheriff must make
15 information relating to the service available to other law
16 enforcement agencies by electronically transmitting such
17 information to the department.

18 5. Within 24 hours after an injunction for protection
19 against repeat violence or dating violence is lifted,
20 terminated, or otherwise rendered no longer effective by
21 ruling of the court, the clerk of the court must notify the
22 sheriff or local law enforcement agency receiving original
23 notification of the injunction as provided in subparagraph 2.
24 That agency shall, within 24 hours after receiving such
25 notification from the clerk of the court, notify the
26 department of such action of the court.

27 (9)(a) The court shall enforce, through a civil or
28 criminal contempt proceeding, a violation of an injunction for
29 protection. The court may enforce the respondent's compliance
30 with the injunction by imposing a monetary assessment. The
31 clerk of the court shall collect and receive such assessments.

1 On a monthly basis, the clerk shall transfer the moneys
2 collected pursuant to this paragraph to the State Treasury for
3 deposit in the Crimes Compensation Trust Fund established in
4 s. 960.21.

5 (b) If the respondent is arrested by a law enforcement
6 officer under s. 901.15(10) for committing an act of repeat
7 violence or dating violence in violation of a repeat or dating
8 violence injunction for protection, the respondent shall be
9 held in custody until brought before the court as
10 expeditiously as possible for the purpose of enforcing the
11 injunction and for admittance to bail in accordance with
12 chapter 903 and the applicable rules of criminal procedure,
13 pending a hearing.

14 (10) The petitioner or the respondent may move the
15 court to modify or dissolve an injunction at any time.

16 (11) A law enforcement officer acting in good faith
17 under this section and the officer's employing agency shall be
18 immune from all liability, civil or criminal, that might
19 otherwise be incurred or imposed by reason of the officer's or
20 agency's actions in carrying out the provisions of this
21 section.

22 Section 14. Section 784.047, Florida Statutes, is
23 amended to read:

24 784.047 Penalties for violating protective injunction
25 against ~~repeat~~ violators.--A person who willfully violates an
26 injunction for protection against repeat violence or dating
27 violence, issued pursuant to s. 784.046, or a foreign
28 protection order accorded full faith and credit pursuant to s.
29 741.315 by:

30 (1) Refusing to vacate the dwelling that the parties
31 share;

1 (2) Going to the petitioner's residence, school, place
2 of employment, or a specified place frequented regularly by
3 the petitioner and any named family or household member;

4 (3) Committing an act of repeat violence or dating
5 violence against the petitioner;

6 (4) Committing any other violation of the injunction
7 through an intentional unlawful threat, word, or act to do
8 violence to the petitioner; or

9 (5) Telephoning, contacting, or otherwise
10 communicating with the petitioner directly or indirectly,
11 unless the injunction specifically allows indirect contact
12 through a third party;

13
14 commits a misdemeanor of the first degree, punishable as
15 provided in s. 775.082 or s. 775.083.

16 Section 15. Subsection (4) of section 784.048, Florida
17 Statutes, is amended to read:

18 784.048 Stalking; definitions; penalties.--

19 (4) Any person who, after an injunction for protection
20 against repeat violence or dating violence pursuant to s.
21 784.046, or an injunction for protection against domestic
22 violence pursuant to s. 741.30, or after any other
23 court-imposed prohibition of conduct toward the subject person
24 or that person's property, knowingly, willfully, maliciously,
25 and repeatedly follows or harasses another person commits the
26 offense of aggravated stalking, a felony of the third degree,
27 punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084.

29 Section 16. Section 39.903, Florida Statutes, is
30 amended to read:

31

1 39.903 Duties and functions of the department with
2 respect to domestic violence.--

3 (1) The department shall:

4 (a) Develop by rule criteria for the approval or
5 rejection of certification or funding of domestic violence
6 centers.

7 (b) Develop by rule minimum standards for domestic
8 violence centers to ensure the health and safety of the
9 clients in the centers.

10 (c) Receive and approve or reject applications for
11 certification of domestic violence centers, and receive and
12 approve or reject applications for funding of domestic
13 violence centers. When approving funding for a newly certified
14 domestic violence center, the department shall make every
15 effort to minimize any adverse economic impact on existing
16 certified centers or services provided within the same
17 district. In order to minimize duplication of services, the
18 department shall make every effort to encourage subcontracting
19 relationships with existing centers within the district. If
20 any of the required services are exempted by the department
21 under s. 39.905(1)(c), the center shall not receive funding
22 for those services.

23 (d) Evaluate each certified domestic violence center
24 annually to ensure compliance with the minimum standards. The
25 department has the right to enter and inspect the premises of
26 certified domestic violence centers at any reasonable hour in
27 order to effectively evaluate the state of compliance of these
28 centers with this part and rules relating to this part.

29 (e) Adopt rules to implement this part.

30 (f) Promote the involvement of certified domestic
31 violence centers in the coordination, development, and

1 planning of domestic violence programming in the districts and
2 the state.

3 (2) The department shall serve as a clearinghouse for
4 information relating to domestic violence.

5 (3) The department shall operate the domestic violence
6 program, which provides supervision, direction, coordination,
7 and administration of statewide activities related to the
8 prevention of domestic violence.

9 (4)~~(3)~~ The department shall enlist the assistance of
10 public and voluntary health, education, welfare, and
11 rehabilitation agencies in a concerted effort to prevent
12 domestic violence and to treat persons engaged in or subject
13 to domestic violence. With the assistance of these agencies,
14 the department, within existing resources, shall formulate and
15 conduct a research and evaluation program on domestic
16 violence. Efforts on the part of these agencies to obtain
17 relevant grants to fund this research and evaluation program
18 must be supported by the department.

19 (5)~~(4)~~ The department shall develop and provide
20 educational programs on domestic violence for the benefit of
21 the general public, persons engaged in or subject to domestic
22 violence, professional persons, or others who care for or may
23 be engaged in the care and treatment of persons engaged in or
24 subject to domestic violence.

25 (6)~~(5)~~ The department shall cooperate with, assist in,
26 and participate in, programs of other properly qualified
27 agencies, including any agency of the Federal Government,
28 schools of medicine, hospitals, and clinics, in planning and
29 conducting research on the prevention, care, treatment, and
30 rehabilitation of persons engaged in or subject to domestic
31 violence.

1 ~~(7)~~(6) The department shall contract with a statewide
2 association whose primary purpose is to represent and provide
3 technical assistance to domestic violence centers. This
4 association shall receive 2 percent of the Domestic Violence
5 Trust Fund for this purpose.

6 Section 17. Section 741.466, Florida Statutes, is
7 repealed.

8 Section 18. Subsection (1) of section 938.01, Florida
9 Statutes, as amended by section 29 of chapter 2001-254, Laws
10 of Florida, section 19 of chapter 2001-122, Laws of Florida,
11 section 1 of chapter 2001-184, Laws of Florida, section 3 of
12 chapter 2001-232, Laws of Florida, and section 30 of chapter
13 2001-254, Laws of Florida, is amended to read:

14 938.01 Additional Court Cost Clearing Trust Fund.--
15 (Substantial rewording of subsection. See
16 s. 938.01(1), F.S., for present text.)

17 (1) All courts created by Art. V of the State
18 Constitution shall, in addition to any fine or other penalty,
19 assess \$3 as a court cost against every person convicted for
20 violation of a state penal or criminal statute or convicted
21 for violation of a municipal or county ordinance. Any person
22 whose adjudication is withheld pursuant to the provisions of
23 s. 318.14(9) or (10) shall also be assessed such cost. In
24 addition, \$3 from every bond estreature or forfeited bail bond
25 related to such penal statutes or penal ordinances shall be
26 remitted to the Department of Revenue as described in this
27 subsection. However, no such assessment may be made against
28 any person convicted for violation of any state statute,
29 municipal ordinance, or county ordinance relating to the
30 parking of vehicles.

31

1 (a) All costs collected by the courts pursuant to
2 subsection (1) shall be remitted to the Department of Revenue
3 in accordance with administrative rules adopted by the
4 executive director of the Department of Revenue for deposit in
5 the Additional Court Cost Clearing Trust Fund. These funds and
6 the funds deposited in the Additional Court Cost Clearing
7 Trust Fund pursuant to s. 318.21(2)(c) shall be distributed as
8 follows:

9 1. Ninety-two percent to the Department of Law
10 Enforcement Criminal Justice Standards and Training Trust
11 Fund.

12 2. Six and three-tenths percent to the Department of
13 Law Enforcement Operating Trust Fund for the Criminal Justice
14 Grant Program.

15 3. One and seven-tenths percent to the Department of
16 Children and Family Services Domestic Violence Trust Fund for
17 the domestic violence program pursuant to s. 39.903(3).

18 (b) The funds deposited in the Department of Law
19 Enforcement Criminal Justice Standards and Training Trust
20 Fund, the Department of Law Enforcement Operating Trust Fund,
21 and the Department of Children and Family Services Domestic
22 Violence Trust Fund may be invested. Any interest earned from
23 investing such funds and any unencumbered funds remaining at
24 the end of the budget cycle shall remain in the respective
25 trust fund.

26 (c) All funds in the Department of Law Enforcement
27 Criminal Justice Standards and Training Trust Fund shall be
28 disbursed only in compliance with s. 943.25(9).

29 Section 19. Subsection (2) of section 4 of chapter
30 2001-184, Laws of Florida, and subsection (2) of section 7 of
31 chapter 2001-232, Laws of Florida, are repealed.

1 Section 20. This act shall take effect January 1,
2 2003.

3
4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 CS/CS/SB 316

7 Removes dating relationship from the definition of domestic
8 violence.

9 Establishes a separate cause of action for injunctions for
10 protection against dating violence and amends the penalties
11 against repeat violence and stalking to include an injunction
12 for protection against dating violence.

13 Amends onto this bill the substance of SB 716 which
14 establishes a new formula for distributing domestic violence
15 funds in the Additional Court Cost Clearing Trust Fund;
16 provides Department of Children and Families with clear
17 authority to operate the Domestic Violence program; and
18 repeals existing statutory language that conflicts with the
19 revised language.

20 Provides that the assessment of a filing fee for protection
21 against domestic violence is prohibited effective October 1,
22 2002.

23 Provides a January 1, 2003 effective date for the bill.
24
25
26
27
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29
30
31