



1 by the person in enforcing the injunction;  
2 amending s. 921.0022, F.S.; conforming  
3 provisions to changes made by the act;  
4 providing an effective date.  
5

6 Be It Enacted by the Legislature of the State of Florida:  
7

8 Section 1. Section 784.048, Florida Statutes, is  
9 amended to read:

10 784.048 Stalking; definitions; penalties.--

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

12 (a) "Harass" means to engage in a course of conduct  
13 directed at a specific person that causes substantial  
14 emotional distress in the ~~such~~ person and serves no legitimate  
15 purpose.

16 (b) "Course of conduct" means a pattern of conduct  
17 composed of a series of acts over a period of time, however  
18 short, evidencing a continuity of purpose. Constitutionally  
19 protected activity is not included within the meaning of  
20 "course of conduct." Such constitutionally protected activity  
21 includes picketing or other organized protests.

22 (c) "Credible threat" means a threat made with the  
23 intent to cause the person who is the target of the threat to  
24 reasonably fear for his or her safety. The threat must be  
25 against the life of, or a threat to cause bodily injury to, a  
26 person.

27 (d) "Cyberstalk" means to engage in a course of  
28 conduct to communicate, or to cause to be communicated, words,  
29 images, or language by or through the use of electronic mail  
30 or electronic communication, directed at a specific person,  
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1 causing substantial emotional distress to that person and  
2 serving no legitimate purpose.

3 (e) "Family" has the same meaning as in s. 741.28(3).

4 (2) Any person who willfully, maliciously, and  
5 repeatedly follows, harasses, or cyberstalks another person or  
6 the person's family commits the offense of stalking, a felony  
7 ~~misdemeanor~~ of the third first degree, punishable as provided  
8 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

9 (3) Any person who willfully, maliciously, and  
10 repeatedly follows, harasses, or cyberstalks another person,  
11 and makes a credible threat with the intent to place that  
12 person in reasonable fear of death or bodily injury of the  
13 person, or the person's family child, sibling, spouse, parent,  
14 ~~or dependent,~~ commits the offense of aggravated stalking, a  
15 felony of the second third degree, punishable as provided in  
16 s. 775.082, s. 775.083, or s. 775.084.

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

28 (5) Any person who willfully, maliciously, and  
29 repeatedly follows, harasses, or cyberstalks a minor under 16  
30 years of age commits the offense of aggravated stalking, a  
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1 felony of the ~~second~~ ~~third~~ degree, punishable as provided in  
2 s. 775.082, s. 775.083, or s. 775.084.

3 (6) Any law enforcement officer may arrest, without a  
4 warrant, any person he or she has probable cause to believe  
5 has violated the provisions of this section.

6 (7) Any person who, after having been sentenced for a  
7 violation of s. 794.011 or s. 800.04, and prohibited from  
8 contacting the victim of the offense under s. 921.244,  
9 willfully, maliciously, and repeatedly follows, harasses, or  
10 cyberstalks the victim or the victim's family commits the  
11 offense of aggravated stalking, a felony of the ~~second~~ ~~third~~  
12 degree, punishable as provided in s. 775.082, s. 775.083, or  
13 s. 775.084.

14 (8) The punishment imposed under this section shall  
15 run consecutive to any former sentence imposed for a  
16 conviction for any offense under s. 794.011 or s. 800.04.

17 (9)(a) In addition to any punishment, the court shall  
18 issue an injunction for protection against domestic violence  
19 unless it finds clear and compelling reasons not to issue an  
20 injunction. The injunction for protection against domestic  
21 violence shall be issued in accordance with s. 741.30(6). The  
22 court shall make compliance with the injunction a condition of  
23 probation in accordance with s. 948.03.

24 (b) If the court does not issue an injunction for  
25 protection against domestic violence, it shall state on the  
26 record in detail the reasons for not issuing the injunction.  
27 An injunction entered as part of a plea agreement is as  
28 definitive and binding as any other injunction for protection,  
29 and a statement to this effect must be made part of the plea  
30 agreement.

1           (c) An injunction for protection against domestic  
2 violence may be enforced by the state, or by a person named  
3 in the injunction, in the same manner as an injunction in a  
4 civil action. If civil enforcement is necessary, the defendant  
5 is liable for costs and attorney's fees incurred by the person  
6 in enforcing the injunction.

7           Section 2. Paragraphs (f) and (g) of subsection (3) of  
8 section 921.0022, Florida Statutes, are amended to read:

9           921.0022 Criminal Punishment Code; offense severity  
10 ranking chart.--

11           (3) OFFENSE SEVERITY RANKING CHART

13 Florida	Felony	
14 Statute	Degree	Description
		(f) LEVEL 6
18 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent 19 conviction.
20 499.0051(3)	2nd	Forgery of pedigree papers.
21 499.0051(4)	2nd	Purchase or receipt of legend 22 drug from unauthorized person.
23 499.0051(5)	2nd	Sale of legend drug to 24 unauthorized person.
25 775.0875(1)	3rd	Taking firearm from law 26 enforcement officer.
27 784.021(1)(a)	3rd	Aggravated assault; deadly weapon 28 without intent to kill.
29 784.021(1)(b)	3rd	Aggravated assault; intent to 30 commit felony.
31 784.041	3rd	Felony battery.

1	784.048(3)	<u>2nd</u> <del>3rd</del>	Aggravated stalking; credible
2			threat.
3	784.048(5)	<u>2nd</u> <del>3rd</del>	Aggravated stalking of person
4			under 16.
5	784.07(2)(c)	2nd	Aggravated assault on law
6			enforcement officer.
7	784.074(1)(b)	2nd	Aggravated assault on sexually
8			violent predators facility staff.
9	784.08(2)(b)	2nd	Aggravated assault on a person 65
10			years of age or older.
11	784.081(2)	2nd	Aggravated assault on specified
12			official or employee.
13	784.082(2)	2nd	Aggravated assault by detained
14			person on visitor or other
15			detainee.
16	784.083(2)	2nd	Aggravated assault on code
17			inspector.
18	787.02(2)	3rd	False imprisonment; restraining
19			with purpose other than those in
20			s. 787.01.
21	790.115(2)(d)	2nd	Discharging firearm or weapon on
22			school property.
23	790.161(2)	2nd	Make, possess, or throw
24			destructive device with intent to
25			do bodily harm or damage
26			property.
27	790.164(1)	2nd	False report of deadly explosive,
28			weapon of mass destruction, or
29			act of arson or violence to state
30			property.
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1	790.19	2nd	Shooting or throwing deadly
2			missiles into dwellings, vessels,
3			or vehicles.
4	794.011(8)(a)	3rd	Solicitation of minor to
5			participate in sexual activity by
6			custodial adult.
7	794.05(1)	2nd	Unlawful sexual activity with
8			specified minor.
9	800.04(5)(d)	3rd	Lewd or lascivious molestation;
10			victim 12 years of age or older
11			but less than 16 years; offender
12			less than 18 years.
13	800.04(6)(b)	2nd	Lewd or lascivious conduct;
14			offender 18 years of age or
15			older.
16	806.031(2)	2nd	Arson resulting in great bodily
17			harm to firefighter or any other
18			person.
19	810.02(3)(c)	2nd	Burglary of occupied structure;
20			unarmed; no assault or battery.
21	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
22			but less than \$100,000, grand
23			theft in 2nd degree.
24	812.015(9)	2nd	Retail theft; property stolen
25			\$300 or more; second or
26			subsequent conviction.
27	812.13(2)(c)	2nd	Robbery, no firearm or other
28			weapon (strong-arm robbery).
29	817.034(4)(a)1.	1st	Communications fraud, value
30			greater than \$50,000.
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1	817.4821(5)	2nd	Possess cloning paraphernalia
2			with intent to create cloned
3			cellular telephones.
4	825.102(1)	3rd	Abuse of an elderly person or
5			disabled adult.
6	825.102(3)(c)	3rd	Neglect of an elderly person or
7			disabled adult.
8	825.1025(3)	3rd	Lewd or lascivious molestation of
9			an elderly person or disabled
10			adult.
11	825.103(2)(c)	3rd	Exploiting an elderly person or
12			disabled adult and property is
13			valued at less than \$20,000.
14	827.03(1)	3rd	Abuse of a child.
15	827.03(3)(c)	3rd	Neglect of a child.
16	827.071(2)&(3)	2nd	Use or induce a child in a sexual
17			performance, or promote or direct
18			such performance.
19	836.05	2nd	Threats; extortion.
20	836.10	2nd	Written threats to kill or do
21			bodily injury.
22	843.12	3rd	Aids or assists person to escape.
23	847.0135(2)	3rd	Facilitates sexual conduct of or
24			with a minor or the visual
25			depiction of such conduct.
26	914.23	2nd	Retaliation against a witness,
27			victim, or informant, with bodily
28			injury.
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1	944.35(3)(a)2.	3rd	Committing malicious battery upon
2			or inflicting cruel or inhuman
3			treatment on an inmate or
4			offender on community
5			supervision, resulting in great
6			bodily harm.
7	944.40	2nd	Escapes.
8	944.46	3rd	Harboring, concealing, aiding
9			escaped prisoners.
10	944.47(1)(a)5.	2nd	Introduction of contraband
11			(firearm, weapon, or explosive)
12			into correctional facility.
13	951.22(1)	3rd	Intoxicating drug, firearm, or
14			weapon introduced into county
15			facility.
16			(g) LEVEL 7
17	316.027(1)(b)	2nd	Accident involving death, failure
18			to stop; leaving scene.
19	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
20			injury.
21	316.1935(3)(b)	1st	Causing serious bodily injury or
22			death to another person; driving
23			at high speed or with wanton
24			disregard for safety while
25			fleeing or attempting to elude
26			law enforcement officer who is in
27			a patrol vehicle with siren and
28			lights activated.
29	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
30			bodily injury.
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1	402.319(2)	2nd	Misrepresentation and negligence
2			or intentional act resulting in
3			great bodily harm, permanent
4			disfiguration, permanent
5			disability, or death.
6	409.920(2)	3rd	Medicaid provider fraud.
7	456.065(2)	3rd	Practicing a health care
8			profession without a license.
9	456.065(2)	2nd	Practicing a health care
10			profession without a license
11			which results in serious bodily
12			injury.
13	458.327(1)	3rd	Practicing medicine without a
14			license.
15	459.013(1)	3rd	Practicing osteopathic medicine
16			without a license.
17	460.411(1)	3rd	Practicing chiropractic medicine
18			without a license.
19	461.012(1)	3rd	Practicing podiatric medicine
20			without a license.
21	462.17	3rd	Practicing naturopathy without a
22			license.
23	463.015(1)	3rd	Practicing optometry without a
24			license.
25	464.016(1)	3rd	Practicing nursing without a
26			license.
27	465.015(2)	3rd	Practicing pharmacy without a
28			license.
29	466.026(1)	3rd	Practicing dentistry or dental
30			hygiene without a license.
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1	467.201	3rd	Practicing midwifery without a
2			license.
3	468.366	3rd	Delivering respiratory care
4			services without a license.
5	483.828(1)	3rd	Practicing as clinical laboratory
6			personnel without a license.
7	483.901(9)	3rd	Practicing medical physics
8			without a license.
9	484.013(1)(c)	3rd	Preparing or dispensing optical
10			devices without a prescription.
11	484.053	3rd	Dispensing hearing aids without a
12			license.
13	494.0018(2)	1st	Conviction of any violation of
14			ss. 494.001-494.0077 in which the
15			total money and property
16			unlawfully obtained exceeded
17			\$50,000 and there were five or
18			more victims.
19	560.123(8)(b)1.	3rd	Failure to report currency or
20			payment instruments exceeding
21			\$300 but less than \$20,000 by
22			money transmitter.
23	560.125(5)(a)	3rd	Money transmitter business by
24			unauthorized person, currency or
25			payment instruments exceeding
26			\$300 but less than \$20,000.
27	655.50(10)(b)1.	3rd	Failure to report financial
28			transactions exceeding \$300 but
29			less than \$20,000 by financial
30			institution.
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1	775.21(10)(a)	3rd	Sexual predator; failure to
2			register; failure to renew
3			driver's license or
4			identification card; other
5			registration violations.
6	775.21(10)(b)	3rd	Sexual predator working where
7			children regularly congregate.
8	775.21(10)(g)	3rd	Failure to report or providing
9			false information about a sexual
10			predator; harbor or conceal a
11			sexual predator.
12	782.051(3)	2nd	Attempted felony murder of a
13			person by a person other than the
14			perpetrator or the perpetrator of
15			an attempted felony.
16	782.07(1)	2nd	Killing of a human being by the
17			act, procurement, or culpable
18			negligence of another
19			(manslaughter).
20	782.071	2nd	Killing of human being or viable
21			fetus by the operation of a motor
22			vehicle in a reckless manner
23			(vehicular homicide).
24	782.072	2nd	Killing of a human being by the
25			operation of a vessel in a
26			reckless manner (vessel
27			homicide).
28	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
29			causing great bodily harm or
30			disfigurement.
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1	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
2			weapon.
3	784.045(1)(b)	2nd	Aggravated battery; perpetrator
4			aware victim pregnant.
5	784.048(4)	<u>2nd</u> <del>3rd</del>	Aggravated stalking; violation of
6			injunction or court order.
7	784.048(7)	<u>2nd</u> <del>3rd</del>	Aggravated stalking; violation of
8			court order.
9	784.07(2)(d)	1st	Aggravated battery on law
10			enforcement officer.
11	784.074(1)(a)	1st	Aggravated battery on sexually
12			violent predators facility staff.
13	784.08(2)(a)	1st	Aggravated battery on a person 65
14			years of age or older.
15	784.081(1)	1st	Aggravated battery on specified
16			official or employee.
17	784.082(1)	1st	Aggravated battery by detained
18			person on visitor or other
19			detainee.
20	784.083(1)	1st	Aggravated battery on code
21			inspector.
22	790.07(4)	1st	Specified weapons violation
23			subsequent to previous conviction
24			of s. 790.07(1) or (2).
25	790.16(1)	1st	Discharge of a machine gun under
26			specified circumstances.
27	790.165(2)	2nd	Manufacture, sell, possess, or
28			deliver hoax bomb.
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1	790.165(3)	2nd	Possessing, displaying, or
2			threatening to use any hoax bomb
3			while committing or attempting to
4			commit a felony.
5	790.166(3)	2nd	Possessing, selling, using, or
6			attempting to use a hoax weapon
7			of mass destruction.
8	790.166(4)	2nd	Possessing, displaying, or
9			threatening to use a hoax weapon
10			of mass destruction while
11			committing or attempting to
12			commit a felony.
13	796.03	2nd	Procuring any person under 16
14			years for prostitution.
15	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
16			victim less than 12 years of age;
17			offender less than 18 years.
18	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
19			victim 12 years of age or older
20			but less than 16 years; offender
21			18 years or older.
22	806.01(2)	2nd	Maliciously damage structure by
23			fire or explosive.
24	810.02(3)(a)	2nd	Burglary of occupied dwelling;
25			unarmed; no assault or battery.
26	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
27			unarmed; no assault or battery.
28	810.02(3)(d)	2nd	Burglary of occupied conveyance;
29			unarmed; no assault or battery.
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1	812.014(2)(a)1.	1st	Property stolen, valued at
2			\$100,000 or more; property stolen
3			while causing other property
4			damage; 1st degree grand theft.
5	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
6			less than \$50,000, grand theft in
7			2nd degree.
8	812.014(2)(b)3.	2nd	Property stolen, emergency
9			medical equipment; 2nd degree
10			grand theft.
11	812.0145(2)(a)	1st	Theft from person 65 years of age
12			or older; \$50,000 or more.
13	812.019(2)	1st	Stolen property; initiates,
14			organizes, plans, etc., the theft
15			of property and traffics in
16			stolen property.
17	812.131(2)(a)	2nd	Robbery by sudden snatching.
18	812.133(2)(b)	1st	Carjacking; no firearm, deadly
19			weapon, or other weapon.
20	817.234(8)(a)	2nd	Solicitation of motor vehicle
21			accident victims with intent to
22			defraud.
23	817.234(9)	2nd	Organizing, planning, or
24			participating in an intentional
25			motor vehicle collision.
26	817.234(11)(c)	1st	Insurance fraud; property value
27			\$100,000 or more.
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1	817.2341(2)(b)&		
2	(3)(b)	1st	Making false entries of material
3			fact or false statements
4			regarding property values
5			relating to the solvency of an
6			insuring entity which are a
7			significant cause of the
8			insolvency of that entity.
9	825.102(3)(b)	2nd	Neglecting an elderly person or
10			disabled adult causing great
11			bodily harm, disability, or
12			disfigurement.
13	825.103(2)(b)	2nd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at \$20,000 or more, but
16			less than \$100,000.
17	827.03(3)(b)	2nd	Neglect of a child causing great
18			bodily harm, disability, or
19			disfigurement.
20	827.04(3)	3rd	Impregnation of a child under 16
21			years of age by person 21 years
22			of age or older.
23	837.05(2)	3rd	Giving false information about
24			alleged capital felony to a law
25			enforcement officer.
26	838.015	2nd	Bribery.
27	838.016	2nd	Unlawful compensation or reward
28			for official behavior.
29	838.021(3)(a)	2nd	Unlawful harm to a public
30			servant.
31	838.22	2nd	Bid tampering.



1	847.0135(3)	3rd	Solicitation of a child, via a
2			computer service, to commit an
3			unlawful sex act.
4	872.06	2nd	Abuse of a dead human body.
5	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
6			cocaine (or other drug prohibited
7			under s. 893.03(1)(a), (1)(b),
8			(1)(d), (2)(a), (2)(b), or
9			(2)(c)4.) within 1,000 feet of a
10			child care facility, school, or
11			state, county, or municipal park
12			or publicly owned recreational
13			facility or community center.
14	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
15			cocaine or other drug prohibited
16			under s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4., within 1,000 feet of
19			property used for religious
20			services or a specified business
21			site.
22	893.13(4)(a)	1st	Deliver to minor cocaine (or
23			other s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4. drugs).
26	893.135(1)(a)1.	1st	Trafficking in cannabis, more
27			than 25 lbs., less than 2,000
28			lbs.
29	893.135		
30	(1)(b)1.a.	1st	Trafficking in cocaine, more than
31			28 grams, less than 200 grams.

1	893.135		
2	(1)(c)1.a.	1st	Trafficking in illegal drugs,
3			more than 4 grams, less than 14
4			grams.
5	893.135		
6	(1)(d)1.	1st	Trafficking in phencyclidine,
7			more than 28 grams, less than 200
8			grams.
9	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
10			than 200 grams, less than 5
11			kilograms.
12	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
13			than 14 grams, less than 28
14			grams.
15	893.135		
16	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
17			grams or more, less than 14
18			grams.
19	893.135		
20	(1)(h)1.a.	1st	Trafficking in
21			gamma-hydroxybutyric acid (GHB),
22			1 kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
26			kilogram or more, less than 5
27			kilograms.
28	893.135		
29	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
30			10 grams or more, less than 200
31			grams.

1	896.101(5)(a)	3rd	Money laundering, financial
2			transactions exceeding \$300 but
3			less than \$20,000.
4	896.104(4)(a)1.	3rd	Structuring transactions to evade
5			reporting or registration
6			requirements, financial
7			transactions exceeding \$300 but
8			less than \$20,000.
9	943.0435(4)(c)	2nd	Sexual offender vacating
10			permanent residence; failure to
11			comply with reporting
12			requirements.
13	943.0435(8)	2nd	Sexual offender; remains in state
14			after indicating intent to leave;
15			failure to comply with reporting
16			requirements.
17	943.0435(9)(a)	3rd	Sexual offender; failure to
18			comply with reporting
19			requirements.
20	943.0435(13)	3rd	Failure to report or providing
21			false information about a sexual
22			offender; harbor or conceal a
23			sexual offender.
24	943.0435(14)	3rd	Sexual offender; failure to
25			report and reregister; failure to
26			respond to address verification.
27	944.607(9)	3rd	Sexual offender; failure to
28			comply with reporting
29			requirements.
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1 944.607(10)(a) 3rd Sexual offender; failure to  
2 submit to the taking of a  
3 digitized photograph.  
4 944.607(12) 3rd Failure to report or providing  
5 false information about a sexual  
6 offender; harbor or conceal a  
7 sexual offender.  
8 944.607(13) 3rd Sexual offender; failure to  
9 report and reregister; failure to  
10 respond to address verification.

11 Section 3. This act shall take effect July 1, 2006.

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13 \*\*\*\*\*  
14 SENATE SUMMARY

15 Provides that the family of the person who is a victim of  
16 the offense of stalking is also protected from the  
17 offense of stalking. Increases the classification of the  
18 offense of stalking from a misdemeanor of the first  
19 degree to a felony of the third degree. Increases the  
20 classification of the offense of aggravated stalking from  
21 a felony of the third degree to a felony of the second  
22 degree. Requires a court to issue an injunction for  
23 protection against domestic violence if a person commits  
24 the offense of stalking or the offense of aggravated  
25 stalking. Requires the court to make compliance with the  
26 injunction a condition of probation. Provides that an  
27 injunction entered as part of a plea agreement is as  
28 definitive and binding as any other injunction for  
29 protection. Provides that an injunction for protection  
30 against domestic violence may be enforced by the state or  
31 by a person named in the injunction. Requires the  
defendant to pay the costs and the victim's attorney's  
fees incurred by the person in order to enforce the  
injunction.