1988

Session Law 88-344

Florida Senate & House of Representatives

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FLORIDA LEGISLATURE

FINAL
LEGISLATIVE BILL INFORMATION

1987 Special Sessions B, C, D
1988 Regular Session
1988 Special Sessions E, F

Re: Chapter 88-349
HB 748 (Passed)
SB 1239 (Substituted)
SB 725 (Similar)

prepared by:

Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826 — 488-4371
H 743 GENERAL BILL by Gonzalez-Quevedo and others
Retirees Human Resources Talent Bank, directs D.O.E. with assistance of Labor & Employment, Security Dept., R.S. & other dept., & agencies, to establish Retirees Human Resources Talent Bank, provides duties of D.O.E. encourages educational institutions, private agencies, & other interested parties to respect & utilize resources of talent bank, authorizes talent bank to contract with agencies, institutions, & private individuals, etc. Appropriation. Effective Date 07/01/88 or upon becoming law, whichever occurs later
04/23/88 HOUSE Prefiled
05/31/88 HOUSE Referred to Education, K - 12, Appropriations
04/05/88 HOUSE Introduced, referred to Education, K - 12, Appropriations
04/11/88 HOUSE Referred to Subcommittee on Programs; On Committee agenda—Education, K - 12, 04/13/88, 3:30 pm, 214C—For ratification of subferral
06/07/88 HOUSE Died in Committee on Education, K - 12

H 744 GENERAL BILL by Guber (Identical S 348, Similar S 610)
Coaches/Salary Supplements, requires school district that pays salary supplement to coaches to pay equal salary supplements to coaches of male & female teams Amends 236 02 Effective Date Upon becoming law
02/24/88 HOUSE Prefiled
03/05/88 HOUSE Referred to Education, K - 12, Appropriations
04/05/88 HOUSE Introduced, referred to Education, K - 12, Appropriations
04/11/88 HOUSE Referred to Subcommittee on Administration and Finance, On Committee agenda—Education, K - 12, 04/13/88, 3:30 pm, 214C—For ratification of subferral
06/07/88 HOUSE Died in Committee on Education, K - 12

H 745 GENERAL BILL by Morse (Identical S 194)
Gambling/Antique Slot Machines, revises definition of antique slot machines which may be legally possessed Amends 849.235 Effective Date 10/01/88
03/24/88 HOUSE Prefiled
03/31/88 HOUSE Referred to Criminal Justice
04/05/88 HOUSE Introduced, referred to Criminal Justice
04/19/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable; On Committee agenda, pending subcommittee action—Criminal Justice, 04/20/88, 3:30 pm, 214C—For ratification of subferral
06/20/88 HOUSE Preliminary Committee Action by Criminal Justice Favorable with 2 amendments
03/24/88 HOUSE Prefiled
03/31/88 HOUSE Referred to Education, K - 12, Appropriations
04/05/88 HOUSE Introduced, referred to Criminal Justice, Appropriations—HJ 70
04/11/88 HOUSE Referred to Subcommittee on Human Resources
04/15/88 HOUSE On committee agenda—Criminal Justice, 04/19/88, 2:15 pm, 214C-HOB
04/19/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable with 2 amendments, On Committee agenda, pending subcommittee action—Criminal Justice, 04/20/88, 3:30 pm, Morris Hall
04/20/88 HOUSE Preliminary Committee Action by Criminal Justice Favorable with 2 amendments
05/24/88 HOUSE Comm Report: Favorable by Criminal Justice, placed on Calendar—HJ 231
05/10/88 HOUSE Placed on Special Order Calendar
05/16/88 HOUSE Iden /Sim Senate Bill substituted: Lead on Table under Rule, Iden /Sim /Compare Bill passed, refer to SB 134 (Ch 88-71) -HJ 460

H 746 LOCAL BILL by B. Johnson
East Milton Fire Protection District, (Santa Rosa Co.) amends provision re date of adjustment meetings of East Milton Fire Protection & Rescue District Effective Date 07/07/88.
03/24/88 HOUSE Prefiled
03/23/88 HOUSE Referred to Community Affairs, Finance & Taxation
04/05/88 HOUSE Introduced, referred to Community Affairs, Finance & Taxation—HJ 70
05/09/88 HOUSE On Committee agenda—Community Affairs, 05/11/88, 1:15 pm, 212-HOB
05/11/88 HOUSE Preliminary Committee Action by Community Affairs Favorable
05/16/88 HOUSE Comm Report: Favorable by Community Affairs—HJ 499, Now in Finance & Taxation—HJ 499
05/19/88 HOUSE Withdrawn from Finance & Taxation—HJ 595, Placed on Calendar
05/24/88 HOUSE Placed on Local Calendar, Read second and third times, endar
05/24/88 SENATE In Messages
05/31/88 SENATE Received, referred to Rules and Calendar—SJ 551
06/02/88 SENATE Considered by Rules and Calendar, placed on Local Calendar—SJ 757, Passed, YEAS 36 NAYS 0—SJ 921
06/02/88 SENATE Ordered enrolled
06/21/88 Signed by Officers and presented to Governor
07/07/88 Became Law without Governor's Signature, Chapter No. 88-492

H 747 GENERAL BILL by Canak and others (Compare H 1633, ENG/S 8.3 29)
Surogates/Contract Prohibition, provides definition of term "mother" for purposes of Florida Adoption Act, prohibits contract for transfer of parental rights for any child, whether conceived or not, for consideration, provides penalties Amends 63 032, 212 Effective Date Upon becoming law
03/23/88 HOUSE Prefiled
03/31/88 HOUSE Referred to Judiciary
04/05/88 HOUSE Introduced, referred to Judiciary—HJ 70
04/12/88 HOUSE Subferred to Subcommittee on Real Property and Family Law, On Committee agenda—Judiciary, 04/14/88, 2:15 pm, 214C—For ratification of subferral
06/07/88 HOUSE Died in Committee on Education, Iden /Sim/Compare bill passed, refer to SB 9 (Ch 88-143)

H 748 GENERAL BILL/ENG by Gordon and others (Similar CS/CS/S 725)
Battery/Repeat Violence Intervention, (SEE ALSO H 1653) provides for issuance of restraining orders, without necessity of legal representation, whose acts of repeat violence are alleged, provides for waiver of fees for indigent, provides form for petition for injunction, authorizes warrantless arrest by law enforcement officer for violation of repeat violence injunction, provides that battery upon pregnant victim constitutes aggravated battery, etc Creates 784 046; amends 901 15, Effective 10/01/88
03/24/88 HOUSE Prefiled
03/31/88 HOUSE Referred to Criminal Justice, Appropriations
04/05/88 HOUSE Introduced, referred to Criminal Justice, Appropriations—HJ 70
04/11/88 HOUSE Referred to Subcommittee on Human Resources
04/15/88 HOUSE On committee agenda—Criminal Justice, 04/19/88, 2:15 pm, 214C-HOB
04/19/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable with 2 amendments, On Committee agenda, pending subcommittee action—Criminal Justice, 04/20/88, 3:30 pm, Morris Hall
04/20/88 HOUSE Preliminary Committee Action by Criminal Justice Favorable with 2 amendments
05/24/88 HOUSE Comm Report Favorable with 2 amendment(s) by Criminal Justice—HJ 249, Now in Appropriations—HJ 249
05/09/88 HOUSE Withdrawn from Appropriations—HJ 365, Placed on Calendar
05/19/88 HOUSE Placed on Special Order Calendar
05/25/88 HOUSE Read second time—HJ 694, Amendments adopted—HJ 695
06/02/88 HOUSE Read third time, Amendment adopted, Passed as amended, YEAS 113 NAYS 1—HJ 724
05/26/88 SENATE In Messages
05/30/88 SENATE Received, referred to Judiciary-Criminal, Judiciary-Civil—SJ 469
06/03/88 SENATE Withdrawn from Judiciary-Criminal, Judiciary-Civil—SJ 867, Substituted for SB 1239, Passed, YEAS 35 NAYS 0—SJ 868
06/03/88 SENATE Ordered enrolled
06/21/88 Signed by Officers and presented to Governor
07/06/88 Approved by Governor, Chapter No 88-344

H 749 GENERAL BILL/CS by Education, K - 12, Upchurch (Compare CS/ENG/H 1153)
Dent & Blind School/Local Services, authorizes board of trustees to provide legal services for officers & employees in actions arising out of performance of their duties & authorizes reimbursement for judgments in civil actions; authorizes expenditure of school funds for such purposes Creates 242.333. Effective Date. Upon becoming law
03/24/88 HOUSE Prefiled
03/31/88 HOUSE Referred to Education, K - 12, Appropriations
04/05/88 HOUSE Introduced, referred to Education, K - 12, Appropriations—HJ 70
04/11/88 HOUSE Referred to Subcommittee on Administration and Finance; On Committee agenda—Education, K - 12, 04/13/88, 3:30 pm, 214C—For ratification of subferral
04/19/88 HOUSE On subcommittee agenda—Education, K - 12, 04/25/88, 8:00 am, 415-HOB
04/26/88 HOUSE On Committee agenda—Education, K - 12, 04/27/88, 3:30 pm, 214C-HOB
05/02/88 HOUSE Comm Report: CS by Education, K - 12—HJ 302, CS read first time—HJ 299, Now in Appropriations—HJ 302
05/10/88 HOUSE Withdrawn from Appropriations—HJ 394, Placed on Calendar
05/17/88 HOUSE Placed on Special Order Calendar, Read second time—HJ 340
05/18/88 HOUSE Read third time, CS passed, YEAS 113 NAYS 0—HJ 560
06/02/88 SENATE Received, referred to Education, Appropriations—SJ 363
06/27/88 SENATE Extension of time granted Committee Education
06/07/88 SENATE Died in Committee on Education, Iden /Sim /Compare bill passed, refer to CS/HB 1153 (Ch 88-366)

H 750 GENERAL BILL/CS/ENG by Judiciary, Rush (Similar CS/ENG/S 460, Compare H 49, 2-H, H 88, CS/ENG/S 42, S 49)
Medical Malpractice Actions, provides exemption from civil liability for licensed medical personnel working gratuitously in nonprofit medical facilities, prescribes statute of limitations for medical malpractice actions against state & provides that agency failure to dispose of claim within 90 days after mailing notice, shall be deemed final denial, amends provision to conform Amends 768 13, 25, 57 Effect Date 10/01/88
03/24/88 HOUSE Prefiled

(Continued on next page)
S 1232 (CONTINUED)
06/02/88 SENATE CS read first time -SJ 219, Now in Economic, Community and Consumer Affairs -SJ 212
06/12/88 SENATE On Committee agenda — Economic, Community and Consumer Affairs, 06/18, 200 pm, Room-H
05/13/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
05/16/88 SENATE Comm Report Favorable by Economic, Community and Consumer Affairs, placed on Calendar -SJ 310
05/26/88 SENATE Placed on Special Order Calendar — SJ 426, Iden /Sim House Bill substituted - SJ 450, Laid on Table under Rule, Iden /Sim /Compare Bill passed, refer to HB 1485 (Ch 88-379 - SJ 460

S 1233 GENERAL BILL by Mose (Compare CS/ENG/H 35, H 226, H 865, CS/ENG/H 1618, S 863, S 754, S 800, S 804, S 1012, CS/S 1083) AIDS/Education & Information, requires education in HIV for certain medical professionals, requires information on AIDS & HIV to be given to new state employees, requires AIDS & HIV education in life mgmt. skills course, includes sexually transmissible diseases, AIDS, & HIV in comprehensive health education, requires certain AIDS-related material to be included in university handbooks, etc Amends FS Effective Date 10/01/88
04/19/88 SENATE Filed
04/21/88 SENATE Introduced, referred to Health and Rehabilitation Services; Education, Commerce, Appropriations — SJ 160
04/29/88 SENATE Extension of time granted Committee Health and Rehabilitation Services
05/13/88 SENATE Extension of time granted Committee Health and Rehabilitation Services
05/27/88 SENATE Extension of time granted Committee Health and Rehabilitation Services
06/07/88 SENATE Died in Committee on Health and Rehabilitation Services, Iden /Sim /Compare bill passed, refer to CS/HB 1519 (Ch 88-360)

S 1234 GENERAL BILL by Gordon (Similar H 1208)
Community Colleges/Fac Cancellation, cancels certain taxes upon real property acquired by community college district board of trustees Amends 1969 29 Effective Date 07/01/88
04/19/88 SENATE Filed
04/21/88 SENATE Placed on Calendar -SJ 447, Referred to Education, Finance, Taxation and Claims — SJ 160
05/05/88 SENATE On Committee agenda — Education, 05/09/88, 2:00 pm, Room-H
05/09/88 SENATE Comm Report Favorable by Education — SJ 246
05/10/88 SENATE Now in Finance, Taxation and Claims — SJ 246
05/11/88 SENATE Withdrawn from Finance, Taxation and Claims — SJ 272, Placed on Calendar
05/25/88 SENATE Placed on Special Order Calendar — SJ 426, Passed, YEAS 34 NAYS 0 — SJ 449, Immediately certified — SJ 449
05/06/88 HOUSE In Messages
05/07/88 HOUSE Referred, placed on Calendar — HJ 1089, Substituted for HB 1206 — HJ 1154, Read second time, Read third time, Passed, YEAS 114 NAYS 0 — HJ 1154
06/01/88 Order enrolled — SJ 320
06/15/88 Signed by Officers and presented to Governor
07/01/88 Approved by Governor, Chapter No 88-220

S 1235 GENERAL BILL by Ros-Lehtinen (Identical H 120, Compare ENG/S 824)
Drug License Suspension or Revocation, requires certain notice to persons upon arrangement for violation of provisions re driving under influence Amends 316.193 Effective Date 10/01/88
04/19/88 SENATE Filed
04/21/88 SENATE Introduced, referred to Judiciary-Criminal, Transportation — SJ 160
04/29/88 SENATE Extension of time granted Committee Judiciary-Criminal
05/12/88 SENATE On Committee agenda — Judiciary-Criminal, 05/16/88, 2:00 pm, Room-C
05/13/88 SENATE Extension of time granted Committee Judiciary-Criminal
05/16/88 SENATE Comm Report Favorable by Judiciary-Criminal — SJ 310
05/17/88 SENATE Placed on Transportation — SJ 309, Placed on Calendar
06/07/88 SENATE Died on Calendar, Iden /Sim /Compare Bill passed, refer to SB 824 (Ch 88-196)

S 1236 GENERAL BILL/CS by Commerce; Hollingsworth (Similar ENG/H 1329)
Workers' Comp/Medical Serv/Family, provides criteria for valuation of certain services when awarded by family member Amends 440 13 Effective Date Upon becoming law
04/19/88 SENATE Filed
04/21/88 SENATE Introduced, referred to Commerce — SJ 160
04/25/88 SENATE On Committee agenda — Commerce, 04/27/88, 9:00 am, Room-A
04/27/88 SENATE Comm Report CS by Commerce, placed on Calendar — SJ 212

S 1237 GENERAL BILL by Ros-Lehtinen (Identical ENG/H 1380)
Red Road/State Historic Highway, designates Red Road, which borders Coral Gables Wayside Park in Miami, as state historic highway, provides definition, provides restrictions on removing trees & on construction in area & physical alteration, provides for ejection of property owners or operators of motor vehicles who are not subject to suspension of motor vehicle license arising from certain traffic accidents, deletes required optional deductibles for property damage coverage re owner's motor vehicle liability insurance policies Amends 516.066, 324 051, 151 Effective Date 10/01/88
04/19/88 SENATE Filed
04/21/88 SENATE Introduced, referred to Transportation — SJ 160
05/05/88 SENATE On Committee agenda — Transportation, 05/09/88, 2:00 pm, Room-C — Temporarily postponed
05/13/88 SENATE Extension of time granted Committee Transportation
05/27/88 SENATE Extension of time granted Committee Transportation
06/07/88 SENATE Died in Committee on Transportation

S 1238 GENERAL BILL by Stuart (Identical H 427, Compare CS/ENG/H 1216, CS/CS/S 1107, S 1180)
Motor Vehicles/Accident Reports, requires law enforcement officers to file written motor vehicle accident reports re certain accidents, deletes language re certain owners or operators of motor vehicles who are not subject to suspension of motor vehicle license arising from certain traffic accidents, deletes required optional deductibles for property damage coverage re owner's motor vehicle liability insurance policies Amends 516.066, 324 051, 151 Effective Date 10/01/88
04/19/88 SENATE Filed
04/21/88 SENATE Introduced, referred to Transportation, Commerce — SJ 160
05/09/88 SENATE Extension of time granted Committee Transportation
05/13/88 SENATE Extension of time granted Committee Transportation
05/27/88 SENATE Extension of time granted Committee Transportation
06/01/88 SENATE Died in Committee on Transportation

S 1239 GENERAL BILL by Margolis (Identical H 1272)
Weapons/Protective Order, authorizes law enf officer to arrest without warrant person violating protective order restraining harassment of victim or witness in crime case, provides for duration of temporary protective order, provides for enforcement of protective orders by contempt, provides for civil penalty, provides for detention of respondent upon arrest for violating order & for expeditious exp. proceedings, etc Amends 901.15, 914 24, creates 914 25 Effective Date Upon becoming law
04/19/88 SENATE Filed
04/21/88 SENATE Introduced, referred to Judiciary-Criminal — SJ 160
04/29/88 SENATE Extension of time granted Committee Judiciary-Criminal
05/12/88 SENATE On Committee agenda — Judiciary-Criminal, 05/16/88, 2:00 pm, Room-C
05/13/88 SENATE Extension of time granted Committee Judiciary-Criminal
05/16/88 SENATE Comm Report Favorable by Judiciary-Criminal, placed on Calendar - SJ 310
06/02/88 SENATE Placed on Special Order Calendar — SJ 713 & — SJ 715
06/03/88 SENATE Placed on Special Order Calendar — SJ 773 & — SJ 787; Iden/Sim House Bill substituted, Laid on Table under Rule, Iden /Sim /Compare Bill passed, refer to HB 748 (Ch 88-344) - SJ 866

S 1240 GENERAL BILL by Girardeau (Compare S 241)
Tire Disposal/Local Option Surcharge, authorized Committee by surtax on sale of new or recapped tires, provides for use of revenues to abate public nuisance caused by improper disposal of tires, etc Effective Date Upon becoming law
04/19/88 SENATE Filed
04/21/88 SENATE Introduced, referred to Natural Resources and Conservation, Finance, Taxation and Claims — SJ 160
04/29/88 SENATE Extension of time granted Committee Natural Resources and Conservation
05/13/88 SENATE Extension of time granted Committee Natural Resources and Conservation
05/27/88 SENATE Extension of time granted Committee Natural Resources and Conservation
06/07/88 SENATE Died in Committee on Natural Resources and Conservation

S 1241 GENERAL BILL by Girardeau (Compare S 1240)
Tire Disposal/Motor Vehicle Lic Fees, authorizes additional fee on all motor vehicle license registrations sold, transferred, or replaced, authorizes return of such fees to several counties to be deposited in local waste tire removal trust fund to be used for cleaning up & removing improperly disposed of waste tires, etc Amends 320 03 Effective Date 10/01/88
04/19/88 SENATE Filed
04/21/88 SENATE Introduced, referred to Natural Resources and Conservation, Finance, Taxation and Claims — SJ 160
04/29/88 SENATE Extension of time granted Committee Natural Resources and Conservation

(continued on next page)
S 724 (CONTINUED)
04/27/88 SENATE Comm Report Favorable by Personnel, Retirements and Collective Bargaining--SJ 212
04/29/88 SENATE Comm Report Favorable by Appropriations--SJ 212
05/04/88 SENATE Extension of time granted Committee Appropriations
05/12/88 SENATE Withdrawn from Appropriations--SJ 275, Placed on Calendar
05/18/88 SENATE Placed on Consent Calendar--SJ 310, Idem/Sim. House Bill substituted, Laid on Table under Rule, Idem./Sim./Compare Bill passed, refer to HB 1113 (Ch 88-771-SJ 342

S 725 GENERAL BILL/CS by Judy/Judicary-Civil; Judicary-Criminal; Frank (Similar ENG/H 748)
Battery/Repeat Violence Injunction, (SEE ALSO H 1653) provides for issuance of restraining orders, without necessity of legal representation, in cases in which acts of repeat violence are alleged, provides duties of court clerk, provides for waiver of fees for indigents, provides for form for petition for injunction & for injunction relief, authorizes warrantless arrest by law enforcement officer for violation of repeat violence injunction, etc Creates 784 046, amends 901 15 Effective Date: 05/19/88
05/11/88 SENATE On Committee agenda-Judicay-Civil, 05/19/88, 9 00 am, Room-B
05/18/88 SENATE Extension of time granted Committee Appropriations
05/19/88 SENATE Extension of time granted Committee Appropriations
05/30/88 SENATE Withdrawn from Appropriations--SJ 546; Now in Rules and Calendar
06/03/88 SENATE Withdrawn from Rules and Calendar--SJ 787, Placed on Special Order Calendar--SJ 866 & SJ 924
06/06/88 SENATE Placed on Special Order Calendar--SJ 1010, Idem./Sim. House Bill substituted, Laid on Table under Rule, Idem./Sim./Compare Bill passed, refer to HJR 1608 (Filed with Secretary of State)--SJ 1068

S 726 GENERAL BILL by Lehtinen (Compare CS/ENG/H 439)
Guardianship/Minor's attorney, requires appointment of guardian ad litem to represent minors in certain settlements Amends 744 301 Effective Date: 10/01/88
04/05/88 SENATE Filed
04/14/88 SENATE Extension of time granted Committee Appropriations
04/15/88 SENATE Extension of time granted Committee Appropriations
04/29/88 SENATE Extension of time granted Committee Appropriations
05/13/88 SENATE Extension of time granted Committee Appropriations
05/15/88 SENATE Extension of time granted Committee Appropriations
05/27/88 SENATE Extension of time granted Committee Appropriations
06/07/88 SENATE Died in Committee on Judicary-Civil

S 730 GENERAL BILL by Lehtinen
Corporations, Not For Profit/Sole of: provides that any sale or escumcement of property not for profit by officers, directors, managers, members, employees, agents or any corporation or certain trusts in which such person has substantial beneficial interest, or any transaction which a affected by conflict of interest is voidable; provides exceptions Creative 571 0255 Effective Date: 10/01/88
04/05/88 SENATE Filed
04/14/88 SENATE Extension of time granted Committee Appropriations
04/15/88 SENATE Extension of time granted Committee Appropriations
04/29/88 SENATE Extension of time granted Committee Appropriations
05/13/88 SENATE Extension of time granted Committee Appropriations
05/27/88 SENATE Extension of time granted Committee Appropriations
06/07/88 SENATE Died in Committee on Commerce

S 731 GENERAL BILL by Johnson (Similar H 1481, Compare ENG/H 1653)
Currency Transactions, provides that certain confidential information received by D O R. re currency transactions may be disclosed pursuant to subpoena Amends 896 102, Effective Date: Upon becoming law
04/05/88 SENATE Filed
04/14/88 SENATE Extension of time granted Committee Appropriations
04/15/88 SENATE Extension of time granted Committee Appropriations
04/29/88 SENATE Extension of time granted Committee Appropriations
05/13/88 SENATE Extension of time granted Committee Appropriations
05/27/88 SENATE Extension of time granted Committee Appropriations
06/07/88 SENATE Died in Committee on Finance

S 732 GENERAL BILL by Johnson
Pesticides/Notice, requires persons licensed or certified to perform pest control services to provide customers with specified information, requires such persons to post notice prior to application of pesticide to lawn or exterior foliage, provides penalties, authorizes persons who are sensitive to pesticide to notify H R S. Dept & specified property owners Effective Date: 01/01/89
04/05/88 SENATE Filed
04/14/88 SENATE Filed
04/15/88 SENATE Extension of time granted Committee Health and Rehabilitative Services
04/22/88 SENATE On Committee agenda--Health and Rehabilitative Services--SJ 409
05/13/88 SENATE Extension of time granted Committee Health and Rehabilitative Services
05/27/88 SENATE Extension of time granted Committee Health and Rehabilitative Services
06/07/88 SENATE Died in Committee on Health and Rehabilitative Services

S 728 JOINT RESOLUTION by Lehtinen and others (Similar H 1608)
Civil Traffic Hearing Officer System, constitutional amendment to authorize (PAGES NUMBERS REFLECT DAILY SENATE AND HOUSE JOURNALS AND NOT FINAL BOUND JOURNALS)
A bill to be entitled
An act relating to battery; creating s. 784.046, F.S.; providing for the issuance of restraining orders, without the necessity of legal representation, in cases where acts of repeat violence are alleged; providing definitions; providing duties of the clerk of court; providing for waiver of fees for indigents; providing a form for petition for injunction; providing for service of process; providing for ex parte temporary injunction; providing for injunctive relief of 1 year; providing for extension of such relief; providing for dissemination and verification of injunction; providing for enforcement through contempt proceedings and imposition of fine; providing for arrest for violation of injunction; providing for modification or dissolution of injunction; amending s. 901.15, F.S.; authorizing warrantless arrest by law enforcement officer for violation of repeat violence injunction; providing an effective date.

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

Section 1. Section 784.046, Florida Statutes, is created to read:

784.046 Action by victim of repeat violence for protective injunction; powers and duties of court and clerk of

CODING: Words stricken are deletions; words underlined are additions.
court; filing and form of petition; notice and hearing; temporary injunction; issuance; enforcement.--

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

(a) "Violence" means any assault, battery, or sexual battery by a person against any other person.

(b) "Repeat violence" means two incidents of violence committed by the respondent, one within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.

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

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

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

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

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

(b) In the event the person desiring to file for an injunction pursuant to this section does not have sufficient funds with which to pay filing fees to the clerk of the court or service fees to the sheriff, and signs an affidavit so stating, the fees shall be waived by the clerk of the court or the sheriff to the extent necessary to process the petition.

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and serve the injunction, subject to a subsequent order of the court relative to the payment of such fees.

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

   (d) The clerk of the court shall provide the petitioner with a certified copy of any injunction for protection against repeat violence entered by the court.

   (4) (a) The sworn petition shall allege the incidents of repeat violence and shall include the specific facts and circumstances which form the basis upon which relief is sought.

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

   PETITION FOR INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE

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

   1. Petitioner resides at ______________________________ (address) ______________________________

   2. Respondent resides at ______________________________ (address) ______________________________

   3. Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has: (enumerate incidents of violence)

   4. Petitioner genuinely fears repeat violence by the respondent.

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5. Petitioner seeks an immediate injunction against the respondent, enjoining him from committing any further acts of repeat violence; an injunction enjoining the respondent from committing any further acts of repeat violence; and an injunction providing any terms the court deems necessary for the protection of the petitioner and his immediate family, including any injunctions or directives to law enforcement agencies.

(5) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, notice of hearing, and temporary injunction, if any, prior to the hearing.

(6)(a) When it appears to the court that an immediate and present danger of repeat violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction enjoining the respondent from committing any acts of repeat violence.

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

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 30 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance before or during a hearing, for good cause shown by any party.
(7) Upon notice and hearing, the court may grant such relief as the court deems proper, including an injunction:

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

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

(c) Any relief granted by the injunction shall be granted for a fixed period not to exceed 1 year, unless upon petition of the victim the court extends the injunction for successive fixed periods not to exceed 1 year. Such relief may be granted in addition to other civil or criminal remedies.

(bla) The clerk of the court shall furnish a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff of the county, where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible.

(b) When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in the execution or service of the injunction.

(c) A copy of the injunction shall be forwarded by the clerk of court within 24 hours after its entry, to the local law enforcement agency with jurisdiction over the residence of the petitioner. Each appropriate law enforcement agency shall make available to other law enforcement officers, through a system for verification, information as to the existence and status of any such injunction.

CODING: Words stricken are deletions; words underlined are additions.
(9)(a) The court shall enforce through contempt proceedings
compliance by the respondent with the injunction, which enforcement may include the imposition of a fine. Any
such fine shall be collected and disbursed to the Crime
Compensation Trust Fund established in s. 960.21.

(b) In the event the respondent is arrested for
committing an act of repeat violence in violation of a repeat
violence injunction for protection by a peace officer under
the authority of s. 901.15(8), the respondent shall be held in
custody and brought before the court as expeditiously as
possible for the purpose of enforcing the injunction.

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

Section 2. Subsections (8) and (9) of section 901.15,
Florida Statutes, are renumbered as subsections (9) and (10),
respectively, and a new subsection (8) is added to said
section, to read:

901.15 When arrest by officer without warrant is
lawful.--A law enforcement officer may arrest a person without
a warrant when:

(8) He has probable cause to believe that the person
has knowingly committed an act of repeat violence in violation
of an injunction for protection from repeat violence entered
pursuant to s. 784.046.

Section 3. This act shall take effect October 1, 1988.
Provides for issuance of restraining orders, without
necessity of legal representation, where repeat violence
is alleged. Defines terms. Provides duties of clerk of
court. Provides for waiver of fees for indigents.
Provides form for petition for protective injunction.
Provides for service of process. Provides for ex parte
temporary injunction. Provides for injunctive relief of
1 year, plus extension upon petition. Provides for
dissemination and verification of injunction to law
enforcement agencies. Provides for enforcement through
contempt proceedings and imposition of fine. Provides
for arrest for violations. Provides for modification or
dissolution of injunction. Authorizes warrantless arrest
by law enforcement officer with probable cause to believe
there has been a violation of a repeat violence
protective injunction.
HOUSE OF REPRESENTATIVES
COMMITTEE ON CRIMINAL JUSTICE
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 748

RELATING TO: Battery and repeat violence

SPONSOR(S): Representative Gordon

EFFECTIVE DATE: October 1, 1988

COMPANION BILL(S): Similar to SB 725, Comparable to HB 1272

OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2)

I. SUMMARY:

A. PRESENT SITUATION:

Chapter 784, Florida Statutes, defines assault, battery, aggravated assault, and aggravated battery. Assault is a second degree misdemeanor; battery is a first degree misdemeanor; aggravated assault is a third degree felony; and aggravated battery is a second degree felony.

Section 741.30, F.S., currently provides for an injunction against domestic violence between persons who are or were married.

B. EFFECT OF PROPOSED CHANGES:

This bill adds a new section to Chapter 784 making a protective injunction available for persons who have been victims of two or more acts of violence by the same person. One of the acts must have been committed within 6 months of the filing of the petition for the injunction. The petitioner need not be represented by an attorney, and filing fees may be waived by the clerk of the court. A temporary injunction may be issued without a hearing, but may not be effective for more than 30 days. Otherwise, the court may issue an injunction only upon notice and a hearing, enjoining the respondent from committing any acts of violence, and such other relief as the court deems necessary.

The bill provides that the injunction shall be enforced through contempt proceedings, and enforcement may include imposition of a fine.

The bill also provides that a law enforcement officer may arrest a person without a warrant if he has probable cause to believe

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the person has knowingly committed an act of repeat violence in violation of an injunction.

C. SECTION-BY-SECTION ANALYSIS:

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects: Indeterminate

2. Recurring or Annualized Continuation Effects: Indeterminate

3. Long Run Effects Other Than Normal Growth: Indeterminate

4. Appropriations Consequences: Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects: Indeterminate

2. Recurring or Annualized Continuation Effects: Indeterminate

3. Long Run Effects Other Than Normal Growth: Indeterminate

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs: Indeterminate

2. Direct Private Sector Benefits: Indeterminate

3. Effects on Competition, Private Enterprise, and Employment Markets: Indeterminate
D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

This bill is consistent with subparagraph 11 of s. 187.201(7)(b), Florida Statutes, protection of personal safety.

IV. COMMENTS:

It is apparent that victims of violence often know, live with, or are related to the person who inflicts the violence. It is also apparent that many are victims of violence by the same person more than once. Some counseling centers who work with these victims have observed that the person who inflicts the violence often is not arrested, or if arrested is not punished. This bill would allow a victim of violence access to the court for protection against any further attacks by that person, if there is a genuine fear that it would happen again. Even if the person inflicting the violence would normally not be criminally punished for assault or battery, this bill would allow criminal punishment to be imposed for violation of the injunction.

To enforce the injunction once it is granted, the petitioner (victim) would need to request the clerk of the court which granted the injunction to make the appropriate orders (for example, to law enforcement agencies) to properly execute the injunction. The petitioner may move to modify or dissolve the injunction at any time. The injunction may not last more than one year unless the court orders an extension.

V. AMENDMENTS:

The Committee on Criminal Justice adopted the following amendments April 20, 1988:

Amendment #1: amended s. 784.045, F.S., to provide that battery upon a pregnant woman constitutes aggravated battery; and

Amendment #2: conforming title amendment.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Karen Mann, Staff Analyst

Staff Director: Bill Ryan

APPROPRIATIONS:
Prepared by:

Staff Director:
I. SUMMARY:

A. PRESENT SITUATION:

Chapter 784, Florida Statutes, defines assault, battery, aggravated assault, and aggravated battery. Assault is a second degree misdemeanor; battery is a first degree misdemeanor; aggravated assault is a third degree felony; and aggravated battery is a second degree felony.

Section 741.30, F.S., currently provides for an injunction against domestic violence between persons who are or were married.

B. EFFECT OF PROPOSED CHANGES:

This bill adds a new section to Chapter 784 making a protective injunction available for persons who have been victims of two or more acts of violence by the same person. One of the acts must have been committed within 6 months of the filing of the petition for the injunction. The petitioner need not be represented by an attorney, and filing fees may be waived by the clerk of the court. A temporary injunction may be issued without a hearing, but may not be effective for more than 30 days. Otherwise, the court may issue an injunction only upon notice and a hearing, enjoining the respondent from committing any acts of violence, and such other relief as the court deems necessary.
The bill provides that the injunction shall be enforced through contempt proceedings, and enforcement may include imposition of a fine.

The bill also provides that a law enforcement officer may arrest a person without a warrant if he has probable cause to believe the person has knowingly committed an act of repeat violence in violation of an injunction.

Finally, this bill provides that battery upon a pregnant woman constitutes aggravated battery.

C. SECTION-BY-SECTION ANALYSIS:

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   Indeterminate

2. Recurring or Annualized Continuation Effects:
   Indeterminate

3. Long Run Effects Other Than Normal Growth:
   Indeterminate

4. Appropriations Consequences:
   Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   Indeterminate

2. Recurring or Annualized Continuation Effects:
   Indeterminate

3. Long Run Effects Other Than Normal Growth:
   Indeterminate

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   Indeterminate
III. LONG RANGE CONSEQUENCES:

This bill is consistent with subparagraph 11 of s. 187.201(7)(b), Florida Statutes, protection of personal safety.

IV. COMMENTS:

It is apparent that victims of violence often know, live with, or are related to the person who inflicts the violence. It is also apparent that many are victims of violence by the same person more than once. Some counseling centers who work with these victims have observed that the person who inflicts the violence often is not arrested, or if arrested is not punished. This bill would allow a victim of violence access to the court for protection against any further attacks by that person, if there is a genuine fear that it would happen again. Even if the person inflicting the violence would normally not be criminally punished for assault or battery, this bill would allow criminal punishment to be imposed for violation of the injunction.

To enforce the injunction once it is granted, the petitioner (victim) would need to request the clerk of the court which granted the injunction to make the appropriate orders (for example, to law enforcement agencies) to properly execute the injunction. The petitioner may move to modify or dissolve the injunction at any time. The injunction may not last more than one year unless the court orders an extension.

HB 748 was amended onto and passed in CS/HB 1653 in the same form with the exception of one provision. The provisions included in CS/HB 1653 do not include providing that battery upon a pregnant woman constitutes aggravated battery. However, this provision did pass in HB 748.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Karen E. Mann, Staff Analyst

FINANCE & TAXATION:
Prepared by: Staff Director: Bill Ryan

Staff Director:
Bill #: HB 748
Date: June 10, 1988

APPROPRIATIONS:
Prepared by:

Staff Director:

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Journal
of the
Florida
House of Representatives

Ninetieth
Regular Session
since Statehood in 1845

April 5 through June 7, 1988

[Including a record of transmittal of Acts subsequent to sine die adjournment]
the amount by which monthly plan premiums would need to change if the proposed benefit changes were exclusively funded by a change in plan premiums.

(b) To the President of the Senate and Speaker of the House of Representatives any additional legislation in bill form which will be needed to fully implement the Governor’s recommended budget. Upon receipt, the President of the Senate and Speaker of the House of Representatives shall transmit each such bill to the chairman of the appropriate committee (renumber subsequent sections).

Rep C. F. Jones moved the adoption of the amendment, which was adopted

Representative C. F. Jones offered the following title amendment

Amendment 2—On page 1, line 8, after the semicolon insert amending § 216.136, F.S., requiring the Economic Estimating Conference to project the financial condition of the employee group health self-insurance plan, amending § 216.164, F.S., requiring that proposed changes in benefits provided under the state group health self-insurance plan include a statement on the impact on plan premiums;

Rep Jones moved the adoption of the amendment, which was adopted without objection

Representative Mackenzie offered the following amendment

Amendment 3—On page 2, line 19, insert after the period a new paragraph (y) All records supplied by a telecommunications company to a state or local governmental agency which contain the name, address and telephone number of subscribers are exempt from the provisions of subsection (1)

Rep Mackenzie moved the adoption of the amendment, which was adopted without objection

Representative Mackenzie offered the following title amendment

Amendment 4—On page 1, line 4, after the semicolon insert exempting subscriber records supplied by telecommunications companies to governmental agencies

Rep Mackenzie moved the adoption of the amendment, which was adopted without objection

Representative Mackenzie offered the following amendment

Amendment 5—On page 5, between lines 4 and 5, insert “(15) “Competitive bids/offers” means the receipt of two or more bids/offers submitted by responsive and qualified bidders/offerees

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

Representative Mackenzie offered the following amendment

Amendment 6—On page 4, line 2, strike “and (14)” and insert “and (14) and (15)

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

Representative Mackenzie offered the following title amendment

Amendment 7—On page 1, line 12, strike “and” and insert “,” and after “contract” insert “, and “competitive bids/offers”

Rep Mackenzie moved the adoption of the amendment, which was adopted without objection

Representative Souto offered the following amendment

Amendment 8—On page 13, between lines 8 and 9, insert Section 12 Section 287.0825, Florida Statutes, to read

287.0825 Commodities manufactured in United States given preference.—Whenever two or more competitive bids are received, one or more of which relates to commodities manufactured within the United States, and whenever all things stated in such received bids are equal with respect to price, quality and service, the commodities manufactured or assembled within the United States shall be given preference (renumber subsequent sections)

Rep Souto moved the adoption of the amendment, which failed adoption. The vote was

Yea—55
Banjamin Gardner Jones, D L Sample
Bankhead González- King Sanderson
Bass Quevedo Lewis Sansom
Carpenter Grindle Lombard Shelley
Casas Gutman Martin Simont
Clements Hansen McEwan Smith
Crady Harden Meselemuth South Stark
Crotty Hill Mitchell Stone
Dantier Holland Morse Tobash
Diaz-Balart Ireland Morhart Trammell
Drae Irvine Nergard Troxler
Dunbar Jennings Patchett Webster
Frashe Johnson, B L Rehn Wise
Garcia Johnson, R C Renke Woodruff

Nay—56
The Chair Friedman Langton Reddick
Abrams Glickman Lawson Rochlin
Acherl Goode Liberti Rudd
Bell Gordon Luppman Rush
Bloom Guber Locke Saunders
Bronson Gustafson Logan Silver
Brown Hargrett Long Simon
Burke Harras Mackenzie Smith
Burnsed Healey Martinez Titone
Clark Hodges Metcalf Tobin
Cosgrove Holzendorf Ostrau Upchurch
Davis Jamerson Peeples Wallace
Deutsch Jones, C F Press Wetherell
Frankel Kelly Reaves Young

Votes after roll call

Yea—Mackey, Canady
Nay—Brown, Jamerson

Subsequently, Rep Hodges moved to reconsider the vote by which Amendment 8 failed of adoption, which was agreed to. The question recurred on the adoption of Amendment 8 and without objection further consideration of HB 1504 and pending amendment was temporarily deferred

Without objection, consideration of CS/HB 16 was temporarily deferred.

HB 748—A bill to be entitled An act relating to battery; creating s. 784.046, F.S.; providing for the issuance of restraining orders, without the necessity of legal representation, in cases where acts of repeat violence are alleged, providing definitions; providing duties of the clerk of court; providing for waiver of fees for indigents, providing a form for petition for injunction, providing for service of process; providing for ex parte temporary injunction, providing for injunctive relief of 1 year; providing for extension of such relief; providing for dissemination and verification of injunction, providing for enforcement through contempt proceedings and imposition of fine; providing for arrest for violation of injunction; providing for modification or dissolution of injunction, amending s. 901.15, F.S.; authorizing warrantless arrest by law enforcement officer for violation of repeat violence injunction, providing an effective date

was read the second time by title

The Committee on Criminal Justice offered the following amendment

Amendment 1—On page 6, line 25, insert

Section 3 Subsection (1) of Section 784.045, Florida Statutes, is amended to read

784.045 Aggravated battery —
(1) (a) A person commits aggravated battery who, in committing battery,
1. (i) Intentionally or knowingly causes great bodily harm, perma-
nent disability, or permanent disfigurement; or
2. (ii) Uses a deadly weapon
(b) A person commits aggravated battery if the person who was the
tictim of the battery was pregnant at the time of the offense, and the
offender knew or should have known that the victim was pregnant
(2) Whoever commits aggravated battery shall be guilty of a felony
of the second degree, punishable as provided in s. 775.083, or s. 775.084. (renumber subsequent section)
Rep Gordon moved the adoption of the amendment, which was
adopted

The Committee on Criminal Justice offered the following title
amendment:
Amendment 2—On page 1, line 22, after “injunction,” insert
amending s 748.045, F.S., providing that battery upon a victim who
was pregnant shall constitute aggravated battery;
Rep Gordon moved the adoption of the amendment, which was
adopted without objection

Under Rule 8 19, the bill was referred to the Engrossing Clerk
CS/HB 1043—A bill to be entitled An act relating to banking;
creating the International Banking and Trade Study Commission;
providing for appointment of members, providing for reimbursement of
expenses; providing for termination of the commission, providing for
administrative support of the Department of Banking and Finance;
providing duties of the commission, requiring reports to the Governor
and Legislature, amending s 663.06, F.S., authorizing the department
to extend the period for which an international banking corporation
license to operate an international bank agency, representative office,
or administrative office is valid, requiring annual financial statements
and fees; providing for termination of operations and surrender of
license, providing an effective date
—was read the second time by title and, under Rule 8 19, referred to
the Engrossing Clerk
CS/HB 16—A bill to be entitled An act relating to artificial fishing
reefs, amending s 370.25, F.S., providing that the artificial fishing
reef program within the Department of Natural Resources shall
establish statewide criteria and guidelines with respect to the
construction and maintenance of such reefs; providing an effective date
—was read the second time by title and, under Rule 8 19, referred to
the Engrossing Clerk
CS/CS/HB 1971—A bill to be entitled An act relating to economic
development, creating the “Florida Economic Development Act
of 1988”, creating the Florida International Advisory Council, providing
functions and duties; providing membership; authorizing employment
of an executive director and staff; providing for per diem and travel
reimbursement, providing for reports; providing for repeal, providing
legislative intent, creating the Florida Economic Growth Commission,
providing for members and their duties, authorizing the employment of
administrative staff; providing for travel reimbursement and per diem,
providing powers and duties; providing for a strategic economic plan,
providing administrative funding, providing for future repeal, creating
s 15 185, F.S., relating to sister city relationships between Florida
cities and cities throughout the world and sister state relationships
between the State of Florida and countries and provinces throughout
the world; providing for powers, amending s 159.445, F.S., renaming
the Florida High Technology Innovation Research and Development
Fund as the Florida Seed Capital Fund, renaming and transferring the
Florida High Technology Innovation Research and Development Board
as the Florida Seed Capital Board and providing its powers and duties;
providing for annual election of a chairperson, prohibiting certain
investments; providing an appropriation, providing for a feasibility
study; providing for suspension of expenditures from the Florida Seed
Capital Fund pending specified action by the Legislature, providing
exceptions; amending s 288.03, F.S., providing additional powers and
duties to the Division of Economic Development, requiring a report,
saving s 288.012(2), F.S., relating to department exemptions from
specified provisions of state law in connection with the establishment,
management, and operation of any of its offices in a foreign country,
from scheduled repeal on January 1, 1989, and providing for future
review and repeal, reorganizing chapter 288, F.S., creating s 288.118,
providing for the position of export finance officer, assigning
the Department of Commerce, providing duties of such officer, creating
part VI of chapter 288, F.S., relating to Florida export finance
corporations, providing legislative purposes and findings, providing
definitions, providing for a feasibility study, providing procedures for
incorporation of an export finance corporation, providing for a
committee to prepare articles of incorporation and bylaws, providing
content of articles of incorporation and bylaws; providing special
corporate powers, providing for uses of corporate assets; providing
prohibition relating to export capital, providing for powers of stock-
holders; providing procedures for amendments to the articles of
incorporation, providing for the conduct of corporate business, providing
for the use of corporate earnings; requiring designation of a
corporation depository for corporate funds, requiring periodic examina-
tions of the corporation by the Department of Banking and Finance
and requiring reports, providing for meetings, providing for dissolution
of the corporation, providing that the credit of the state is not pledged,
requiring an occupational license tax, providing a fiscal year for the
corporation, amending s. 288.115, F.S., correcting a cross-reference,
amending s 220.02, F.S., relating to the Florida corporate income tax;
providing legislative intent and order of tax credits, amending
s. 220.03, F.S., providing definitions, providing for repeal, amending
s. 220.181, 220.182, 220.183, and 220.184, F.S., correcting cross-
references; creating ss 220.188 and 624.5106, F.S., providing for
export development corporation tax credits, providing requirements
and conditions to claim said credit; providing for repeal, amending
s 199.023, F.S., relating to intangible personal property taxes, revis-
ing the definition of the term “banking organization” to include a
Florida export finance corporation, providing duties of the Florida
Small Business Development Centers, amending s 290.0055, F.S.,
providing for change of boundaries of approved enterprise zones;
requiring that certain enterprise zones include a neighborhood im-
provement district, amending s 290.0065, F.S., revising enterprise
zone categories, revising provisions relating to rescinding of approval
of such zones, authorizing approval of additional zones, amending
s 212.06, F.S., revising requirements relating to qualification for the
sales tax credit for job creation in enterprise zones, requiring that certain
enterprise zones include a neighborhood improvement district, revising
the definition of the term “new employee”, revising the amount of the
credit; revising requirements for qualification for the credit, revising
the time period for allowing the credit, providing a provision to the
required filing statement, requiring the annual filing of forms
containing specified information, amending s. 220.03, F.S., revising
the definition of “new employee” under the Florida Income Tax Code,
amending s. 220.181, F.S., which provides an enterprise zone jobs
credit against the corporate income tax, revising the amount of the
credit; revising requirements for qualification for the credit, adding a
provision to the required filing statement, requiring the annual filing
of forms containing specified information, providing an exception from
the prohibition against a business which claims said credit also
classifying the tax against the corporate income tax as a non-
taxable sales tax as applicable to enterprise zones, providing specified applicability, amending s 220.181(5), F.S., relating to certain employment qualifications for said credit, repealing
s 220.182(10), F.S., which requires that a percentage of employees be
residents of enterprise zones in order for a business to qualify for the
enterprise zone property tax credit against the corporate income tax;
amending s 290.008, F.S., delaying the commence of the credit to
enterprise zones, amending section 1 of chapter 86-216, Laws of
Florida, extending the expiration date of the Florida Council on Asian
Affairs, providing appropriations, providing effective dates
HB 748—A bill to be entitled An act relating to battery, creating s 748.045, F.S., providing for the issuance of restraining orders, without the necessity of legal representation, in cases where acts of repeat violence are alleged, providing definitions, providing duties of the clerk of court, providing for waiver of fees for indigents, providing for service of process, providing for ex parte temporary injunction, providing for enforcement through contempt proceedings and imposition of fine, providing for arrest for violation of injunction, providing for modification or dissolution of injunction, amending s 784.046, F.S., providing for the issuance of restraining orders, without the necessity of legal representation, in cases where acts of repeat violence are alleged, providing definitions, providing duties of the clerk of court, providing for waiver of fees for indigents, providing for service of process, providing for ex parte temporary injunction, providing for enforcement through contempt proceedings and imposition of fine, providing for arrest for violation of injunction, providing for modification or dissolution of injunction, amending s 784.046, F.S., providing that battery upon a victim who was pregnant shall constitute aggravated battery, providing an effective date

was read the third time by title

The Committee on Rules & Calendar offered the following amendment

Amendment 3—On page 1, line 22, in the title strike “748.045” and insert “748.045”, and on page 7, line 2, strike “(b)” and insert “(b)"

Rep. Gordon moved the adoption of the amendment, which was adopted by two-thirds vote

The question recurred on the passage of HB 748. The vote was

Yes—113

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

CS/HB 1043—A bill to be entitled An act relating to banking, creating the International Banking and Trade Study Commission, providing for appointment of members, providing for reimbursement of expenses, providing for termination of the commission, providing for administrative support of the Department of Banking and Finance; providing duties of the commission, requiring reports to the Governor and Legislature, amending s 663.06, F.S., authorizing the department to extend the period for which an international banking corporation license to operate an international bank, representative office, or administrative office is valid, requiring annual financial statements and fees, providing for termination of operations and surrender of license, providing an effective date

—was read the third time by title

Representatives Burke and Bass offered the following amendment

Amendment 1—On page 7, after line 9, insert Section 3 Paragraph (1) of subsection (2) of section 658.295 is amended to read

658.295 Regional reciprocal banking —

(2) DEFINITIONS—For the purposes of this section

The term “regional bank holding company” means a bank holding company other than a Florida bank holding company

1. Which has its principal place of business in a state within the region,

2. Of which more than 80 percent of the total deposits of its bank subsidiaries are held by regional bank subsidiaries located within the region,

3. Which is not controlled by a bank holding company other than a regional bank holding company, and

4. Which is not, and is not controlled by, a “foreign bank” as defined in the International Banking Act of 1978, 12 U.S.C. s 3101 et seq. (renumber subsequent sections)

Rep. Burke moved the adoption of the amendment, which was adopted by two-thirds vote

Representatives Burke and Bass offered the following title amendment

Amendment 2—On page 1, line 19, after the semicolon insert amending s 658.295(2), providing for repeal of the International Banking Act prohibition,

Rep. Burke moved the adoption of the amendment, which was adopted without objection

The question recurred on the passage of CS/HB 1043. The vote was

Yes—117

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.
A bill to be entitled
An act relating to assault, battery, and sexual
battery; creating s. 784.046, F.S.; providing
for the issuance of restraining orders, without
the necessity of legal representation, in cases
in which acts of repeat violence are alleged;
providing definitions; providing duties of the
clerk of court; providing for waiver of fees
for indigents; providing a form for petition
for injunction; providing for service of
process; providing for ex parte temporary
injunction; providing for injunctive relief of
1 year; providing for extension of such relief;
providing for dissemination and verification of
injunction; providing for enforcement through
contempt proceedings and imposition of fine;
providing for arrest for violation of
injunction; providing for modification or
dissolution of injunction; amending s. 901.15,
F.S.; authorizing warrantless arrest by law
enforcement officer for violation of repeat
violence injunction; providing an effective
date.

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

Section 1. Section 784.046, Florida Statutes, is
created to read:

784.046 Action by victim of repeat violence for
protective injunction; petition; notice and hearing; temporary
injunction; issuance; enforcement.--
(1) As used in this section, the term:
  (a) "Violence" means any assault, battery, or sexual
      battery.
  (b) "Repeat violence" means two incidents of violence
      committed by the respondent, one of which must have been
      within 6 months of the filing of the petition, which are
      directed against the petitioner or a member of the
      petitioner's immediate family.

(2) There is created a cause of action for an
    injunction for protection in cases of repeat violence.
    (a) Any person who is the victim of repeat violence
        has standing to seek, in the circuit court by a sworn
        petition, an injunction for protection against repeat
        violence.
    (b) An injunction may be sought whether or not any
        other petition, complaint, or cause of action is currently
        available or pending between the parties.
    (c) This cause of action for an injunction does not
        require that the petitioner be represented by an attorney.

(3)(a) The clerk of the court shall provide a copy of
      this section, simplified forms, and clerical assistance for
      the preparation and filing of such a petition by any person
      who is not represented by an attorney.
    (b) If the person seeking an injunction pursuant to
        this section does not have sufficient funds with which to pay
        filing fees to the clerk of the court or service fees to the
        sheriff, and signs an affidavit so stating, the fees shall be
        waived by the clerk of the court or the sheriff to the extent
        necessary to process the petition and serve the injunction,
        subject to a subsequent order of the court with respect to the
        payment of such fees.

CODING: Words struck out are deletions; words underlined are additions.
(c) Bond may not be required by the court for the entry of an injunction.

(d) The clerk of the court shall provide the petitioner with a certified copy of any injunction for protection against repeat violence entered by the court.

(4)(a) The sworn petition must allege the incidents of repeat violence and must include the specific facts and circumstances which form the basis upon which relief is sought.

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

PETITION FOR INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE

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

1. Petitioner resides at ...(address)...
2. Respondent resides at ...(address)...
3. Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has: ...(enumerate incidents of violence)....
4. Petitioner genuinely fears repeat violence by the respondent.
5. Petitioner seeks an immediate injunction against the respondent, enjoining him from committing any further act of repeat violence; an injunction enjoining the respondent from committing any further act of repeat violence; and an injunction providing any terms the court deems necessary for the protection of the petitioner and his immediate family, 

CODING: Words stricken are deletions; words underlined are additions.
including any injunctions or directives to law enforcement agencies.

(5) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, notice of hearing, and temporary injunction, if any, prior to the hearing.

(6)(a) When it appears to the court that an immediate and present danger of repeat violence exists, the court, in an ex parte hearing, may grant a temporary injunction, pending a full hearing, and may grant such relief as the court deems proper, including an injunction to enjoin the respondent from committing any act of repeat violence.

(b) In an ex parte hearing for a temporary injunction, no evidence other than the verified pleading or affidavit may be admitted.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 30 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction expires. The court may grant a continuance before or during a hearing, for good cause shown by any party.

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

1. Enjoining the respondent from committing any act of violence.

2. Ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies, as provided in this section.
(b) Any relief granted by the injunction shall be granted for a fixed period not to exceed 1 year, unless upon petition of the victim the court extends the injunction for successive fixed periods not to exceed 1 year. Such relief may be granted in addition to other civil or criminal remedies.

(a) The clerk of the court shall furnish a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff of the county where the respondent resides or can be found, and the sheriff shall serve it upon the respondent as soon thereafter as possible.

(b) When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in the execution or service of the injunction.

(c) A copy of the injunction shall be forwarded by the clerk of court, within 24 hours after its entry, to the local law enforcement agency which has jurisdiction over the residence of the petitioner. Each appropriate law enforcement agency shall make available to other law enforcement officers, through a system for verification, information as to the existence and status of any such injunction.

(a) The court shall enforce through contempt proceedings compliance by the respondent with the injunction, which enforcement may include the imposition of a fine. Any such fine shall be collected and deposited in the Crimes Compensation Trust Fund established in s. 960.21.

(b) If the respondent is arrested by a peace officer under the authority of s. 901.15(8) for committing an act of repeat violence in violation of an injunction against repeat
violence, the respondent shall be held in custody and brought
before the court as expeditiously as possible for the purpose
of enforcing the injunction.

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

Section 2. Present subsections (8) and (9) of section
901.15, Florida Statutes, are renumbered as subsections (9)
and (10), respectively, and a new subsection (8) is added to
said section, to read:

901.15 When arrest by officer without warrant is
lawful.--A law enforcement officer may arrest a person without
a warrant when:

(8) He has probable cause to believe that the person
has knowingly committed an act of repeat violence in violation
of an injunction for protection from repeat violence entered
pursuant to s. 784.046;

Section 3. This act shall take effect
October 1, 1988.

******************************************************************************

LEGISLATIVE SUMMARY

Provides for issuance of restraining orders, without
necessity of legal representation, where repeat violence
is alleged. Defines terms. Provides duties of clerk of
court. Provides for service of process. Provides for ex parte
temporary injunction. Provides for injunctive relief of
1 year, plus extension upon petition. Provides for
dissemination and verification of injunction to law
enforcement agencies. Provides for enforcement through
contempt proceedings and imposition of fine. Provides
for arrest for violations. Provides for modification or
dissolution of injunction. Authorizes warrantless arrest
by law enforcement officer with probable cause to believe
there has been a violation of a repeat violence
protective injunction.
A bill to be entitled

An act relating to assault, battery, and sexual battery; creating s. 784.046, F.S.; providing for the issuance of restraining orders, without the necessity of legal representation, in cases in which acts of repeat violence are alleged; providing definitions; providing duties of the clerk of court; providing for waiver of fees for indigents; providing a form for petition for injunction; providing for service of process; providing for ex parte temporary injunction; providing for injunctive relief of 1 year; providing for extension of such relief; providing for dissemination and verification of injunction; providing for enforcement through contempt proceedings and imposition of fine; providing for arrest for violation of injunction; providing for modification or dissolution of injunction; amending s. 901.15, F.S.; authorizing warrantless arrest by law enforcement officer for violation of repeat violence injunction; amending s. 748.045, F.S.; providing that battery upon a victim who is pregnant constitutes aggravated battery; providing an effective date.

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

Section 1. Section 784.046, Florida Statutes, is created to read:

CODING: Words struck are deletions; words underlined are additions.
784.046 Action by victim of repeat violence for protective injunction; petition; notice and hearing; temporary injunction; issuance; enforcement.---

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

(a) "Violence" means any assault, battery, or sexual battery.

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

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

(a) Any person who is the victim of repeat violence has standing to seek, in the circuit court by a sworn petition, an injunction for protection against repeat violence.

(b) An injunction may be sought whether or not any other petition, complaint, or cause of action is currently available or pending between the parties.

(c) This cause of action for an injunction does not require that the petitioner be represented by an attorney.

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

(b) If the person seeking an injunction pursuant to this section does not have sufficient funds with which to pay filing fees to the clerk of the court or service fees to the sheriff, and signs an affidavit so stating, the fees shall be waived by the clerk of the court or the sheriff to the extent CODING: Words strucken are deletions; words underlined are additions.
necessary to process the petition and serve the injunction, subject to a subsequent order of the court with respect to the payment of such fees.

(c) Bond may not be required by the court for the entry of an injunction.

(d) The clerk of the court shall provide the petitioner with a certified copy of any injunction for protection against repeat violence entered by the court.

(4)(a) The sworn petition must allege the incidents of repeat violence and must include the specific facts and circumstances which form the basis upon which relief is sought.

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

PETITION FOR INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE

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

1. Petitioner resides at ...(address)...

2. Respondent resides at ...(address)...

3. Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has: ...(enumerate incidents of violence)....

4. Petitioner genuinely fears repeat violence by the respondent.

5. Petitioner seeks an immediate injunction against the respondent, enjoining him from committing any further act of repeat violence; an injunction enjoining the respondent from committing any further act of repeat violence; and an
injunction providing any terms the court deems necessary for
the protection of the petitioner and his immediate family,
including any injunctions or directives to law enforcement
agencies.

(5) Upon the filing of the petition, the court shall
set a hearing to be held at the earliest possible time. The
respondent shall be personally served with a copy of the
petition, notice of hearing, and temporary injunction, if any,
prior to the hearing.

(6)(a) When it appears to the court that an immediate
and present danger of repeat violence exists, the court, in an
ex parte hearing, may grant a temporary injunction, pending a
full hearing, and may grant such relief as the court deems
proper, including an injunction to enjoin the respondent from
committing any act of repeat violence.

(b) In an ex parte hearing for a temporary injunction,
no evidence other than the verified pleading or affidavit may
be admitted.

(c) Any such ex parte temporary injunction shall be
effective for a fixed period not to exceed 30 days. A full
hearing, as provided by this section, shall be set for a date
no later than the date when the temporary injunction expires.
The court may grant a continuance before or during a hearing,
for good cause shown by any party.

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

1. Enjoining the respondent from committing any act of
violence.

2. Ordering such other relief as the court deems
necessary for the protection of the petitioner, including
injunctions or directives to law enforcement agencies, as
provided in this section.

(b) Any relief granted by the injunction shall be
granted for a fixed period not to exceed 1 year, unless upon
petition of the victim the court extends the injunction for
successive fixed periods not to exceed 1 year. Such relief
may be granted in addition to other civil or criminal
remedies.

8(a) The clerk of the court shall furnish a copy of
the petition, notice of hearing, and temporary injunction, if
any, to the sheriff of the county where the respondent resides
or can be found, and the sheriff shall serve it upon the
respondent as soon thereafter as possible.

(b) When an injunction is issued, if the petitioner
requests the assistance of a law enforcement agency, the court
may order that an officer from the appropriate law enforcement
agency accompany the petitioner and assist in the execution or
service of the injunction.

(c) A copy of the injunction shall be forwarded by the
clerk of court, within 24 hours after its entry, to the local
law enforcement agency which has jurisdiction over the
residence of the petitioner. Each appropriate law enforcement
agency shall make available to other law enforcement officers,
through a system for verification, information as to the
existence and status of any such injunction.

9(a) The court shall enforce through contempt
proceedings compliance by the respondent with the injunction,
which enforcement may include the imposition of a fine. Any
such fine shall be collected and deposited in the Crimes
Compensation Trust Fund established in s. 960.21.

CODING: Words stricken are deletions; words underlined are additions.
If the respondent is arrested by a peace officer under the authority of s. 901.15(8) for committing an act of repeat violence in violation of an injunction against repeat violence, the respondent shall be held in custody and brought before the court as expeditiously as possible for the purpose of enforcing the injunction.

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

Section 2. Present subsections (8) and (9) of section 901.15, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to said section, to read:

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

(8) He has probable cause to believe that the person has knowingly committed an act of repeat violence in violation of an injunction for protection from repeat violence entered pursuant to s. 784.046.

Section 3. Section 784.045, Florida Statutes, is amended to read:

784.045 Aggravated battery.—

(1)(a) A person commits aggravated battery, in committing battery:

1. Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; or

2. Uses a deadly weapon.

(b) A person commits aggravated battery if the person who is the victim of the battery was pregnant at the time of the offense and the offender knew or should have known that the victim was pregnant.
(2) Whoever commits aggravated battery shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. This act shall take effect October 1, 1988.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR Senate Bill 725

Provides that it is aggravated battery to commit battery on a victim whom the perpetrator knew or should have known was pregnant at the time of the battery.

CODING: Words struck are deletions; words underlined are additions.
A bill to be entitled
An act relating to assault, battery, and sexual
battery; creating s. 784.046, F.S.; providing
for the issuance of restraining orders, without
the necessity of legal representation, in cases
in which acts of repeat violence are alleged;
providing definitions; providing duties of the
clerk of court; providing for waiver of fees
for indigents; providing a form for petition
for injunction; providing for service of
process; providing for ex parte temporary
injunction; providing for injunctive relief of
1 year; providing for extension of such relief;
providing for dissemination and verification of
injunction; providing for enforcement through
contempt proceedings and imposition of fine;
providing for arrest for violation of
injunction; providing for modification or
dissolution of injunction; amending s. 901.15,
F.S.; authorizing warrantless arrest by law
enforcement officer for violation of repeat
violence injunction; providing an effective
date.

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

Section 1. Section 784.046, Florida Statutes, is
created to read:
784.046 Action by victim of repeat violence for
protective injunction; petition; notice and hearing; temporary
injunction; issuance; enforcement.--

CODING: Words stricken are deletions; words underlined are additions.
As used in this section, the term:

(a) "Violence" means any assault, battery, or sexual battery.

(b) "Repeat violence" means two incidents of violence committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's spouse, children, or parents.

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

(a) Any person who is the victim of repeat violence has standing to seek, in the circuit court by a sworn petition, an injunction for protection against repeat violence.

(b) An injunction may be sought whether or not any other petition, complaint, or cause of action is currently available or pending between the parties.

(c) This cause of action for an injunction does not require that the petitioner be represented by an attorney.

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

(b) If the person seeking an injunction pursuant to this section does not have sufficient funds with which to pay filing fees to the clerk of the court or service fees to the sheriff, and signs an affidavit so stating, the fees shall be waived by the clerk of the court or the sheriff to the extent necessary to process the petition and serve the injunction, subject to a subsequent order of the court with respect to the payment of such fees.

CODING: Words stricken are deletions; words underlined are additions.
(c) Bond may not be required by the court for the
entry of an injunction.

(d) The clerk of the court shall provide the
petitioner with a certified copy of any injunction for
protection against repeat violence entered by the court.

(4)(a) The sworn petition must allege the incidents of
repeat violence and must include the specific facts and
circumstances which form the basis upon which relief is
sought.

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

PETITION FOR INJUNCTION FOR
PROTECTION AGAINST REPEAT VIOLENCE

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

1. Petitioner resides at ...(address)...
2. Respondent resides at ...(address)...
3. Petitioner has suffered repeat violence as
demonstrated by the fact that the respondent has:
   ...(enumerate incidents of violence)....
4. Petitioner genuinely fears repeat violence by the
   respondent.
5. Petitioner seeks an immediate injunction against
   the respondent, enjoining him from committing any further act
   of repeat violence; an injunction enjoining the respondent
   from committing any further act of repeat violence; and an
   injunction providing any terms the court deems necessary for
   the protection of the petitioner and his immediate family,
including any injunctions or directives to law enforcement agencies.

(5) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, notice of hearing, and temporary injunction, if any, prior to the hearing.

(6)(a) When it appears to the court that an immediate and present danger of repeat violence exists, the court may grant a temporary injunction, which may be granted in an ex parte hearing, pending a full hearing, and may grant an injunction to enjoin the respondent from committing any act of repeat violence.

(b) In an ex parte hearing for a temporary injunction, no evidence other than the verified pleading or affidavit may be admitted. However, if the court determines that an ex parte hearing is not appropriate, the respondent is to be given notice and may appear and other evidence may be presented.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 30 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction expires. The court may grant a continuance before or during a hearing, for good cause shown by any party.

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

1. Enjoining the respondent from committing any act of violence.
2. Ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies, as provided in this section.

   (b) Any relief granted by the injunction shall be granted for a fixed period not to exceed 1 year, unless upon petition of the victim the court extends the injunction for successive fixed periods not to exceed 1 year. Such relief may be granted in addition to other civil or criminal remedies.

   (8)(a) The clerk of the court shall furnish a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff of the county where the respondent resides or can be found, and the sheriff shall serve it upon the respondent as soon thereafter as possible.

   (b) When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in the execution or service of the injunction.

   (c) A copy of the injunction shall be forwarded by the clerk of court, within 24 hours after its entry, to the local law enforcement agency which has jurisdiction over the residence of the petitioner. Each appropriate law enforcement agency shall make available to other law enforcement officers, through a system for verification, information as to the existence and status of any such injunction.

   (9)(a) The court shall enforce through contempt proceedings compliance by the respondent with the injunction, which enforcement may include the imposition of a fine. Any
such fine shall be collected and deposited in the Crimes
Compensation Trust Fund established in s. 960.21.

(b) If the respondent is arrested by a peace officer
under the authority of s. 901.15(8) for committing an act of
repeat violence in violation of an injunction against repeat
violence, the respondent shall be held in custody and brought
before the court as expeditiously as possible for the purpose
of enforcing the injunction.

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

Section 2. Present subsections (8) and (9) of section
901.15, Florida Statutes, are renumbered as subsections (9)
and (10), respectively, and a new subsection (8) is added to
said section, to read:

901.15 When arrest by officer without warrant is
lawful.--A law enforcement officer may arrest a person without
a warrant when:

(8) He has probable cause to believe that the person
has knowingly committed an act of repeat violence in violation
of an injunction for protection from repeat violence entered
pursuant to s. 784.046.

Section 3. This act shall take effect October 1, 1988.
The committee substitute clarifies that the acts of violence must be directed against the petitioner or the petitioner's spouse, children, or parents.

The committee substitute provides for judicial discretion as to whether to have an ex parte hearing on the temporary injunction. If the court determined that an ex parte hearing was appropriate, no evidence would be allowed except the verified pleading or affidavit. If, however, the court determined that an ex parte hearing was not appropriate, the respondent would be given notice and could appear and other evidence could be presented.

The committee substitute provides that the sole relief that the court may grant at a hearing for a temporary injunction is the temporary injunction, not such other relief as the court deems proper.

The committee substitute deletes the provisions relating to battery of a pregnant woman.
I. SUMMARY:

A. Present Situation:

Section 741.30, F.S., authorizes a court to issue an injunction for protection against domestic violence, defined as an assault, battery, or sexual battery committed by a person against his spouse, ex-spouse, or against any other relative who lives in the same house. There is no express statutory authority authorizing a court to issue a comparable injunction for protection against acts of repeat violence when there is no familial relationship between the perpetrator and the victim.

Section 901.15, F.S., enumerates specific circumstances under which a law enforcement officer can make a lawful warrantless arrest. One circumstance justifying a warrantless arrest is an officer having probable cause to believe that someone has committed an act of domestic violence in violation of an injunction against domestic violence. s. 901.15(6), F.S.

B. Effect of Proposed Changes:

CS/SB 725 would authorize the issuance of a protective injunction for persons who have been victims of two or more acts of violence (assault, battery, or sexual battery) by the same person, regardless of the relationship between the perpetrator and the victim. One of the acts must have been committed within 6 months of the filing of a petition for an injunction.

With the exception of whom the injunction applies to, the new statute authorizing this injunction is almost identical to the existing law authorizing injunctions against domestic violence. The petitioner would not be required to have an attorney, and filing fees could be waived by the clerk of the court. The court would be authorized to issue an injunction only upon notice and a hearing, except that a temporary injunction (effective for a maximum of 30 days) could be issued without a hearing if danger of repeat violence seemed imminent. Any relief granted by the injunction could not exceed one year, unless the court extended the injunction upon the victim's request. The injunction would be enforced through contempt proceedings, including the imposition of a fine.

The CS would expand the enumerated circumstances justifying a lawful warrantless arrest to include an officer having probable cause to believe that a person knowingly committed an act of repeat violence in violation of the newly created statute authorizing an injunction for protection from repeat violence.

Finally, the CS/SB 725 would amend the aggravated battery statute, s. 784.045, F.S., by making it a second degree felony.
to commit a battery on a victim whom the offender knew or should have known was pregnant at the time of the battery.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:
None.

B. Government:

It is not possible to estimate with any degree of certainty how many protective injunctions for repeat violence will be issued as a result of this CS. According to the State Court Administrator's Office, there were 11,918 civil domestic violence cases disposed of under s. 741.30 in 1987. Although there was no breakdown on the total number of protective injunctions issued, it seems reasonable to assume that injunctions were issued in most of these cases. It also seems reasonable to assume that the number of persons seeking protective injunctions for repeat violence will not be as large as the number seeking injunctions for domestic violence. If the number of persons seeking injunctions against repeat violence is significant, however, it will result in additional man-hour costs for the courts and law enforcement.

III. COMMENTS:
None.

IV. AMENDMENTS:
None.
Provides that it is aggravated battery to commit battery on a victim whom the perpetrator knew or should have known was pregnant at the time of the battery.
I. SUMMARY:

A. Present Situation:

Section 741.30, F.S., authorizes a court to issue an injunction for protection against domestic violence, defined as an assault, battery, or sexual battery committed by a person against his spouse, ex-spouse, or against any other relative who lives in the same house. There is no express statutory authority authorizing a court to issue a comparable injunction for protection against acts of repeat violence when there is no familial relationship between the perpetrator and the victim.

Section 901.15, F.S., enumerates specific circumstances under which a law enforcement officer can make a lawful warrantless arrest. One circumstance justifying a warrantless arrest is an officer having probable cause to believe that someone has committed an act of domestic violence in violation of an injunction against domestic violence. s. 901.15(6), F.S.

B. Effect of Proposed Changes:

The bill would authorize the issuance of a protective injunction for persons who have been victims of two or more acts of violence (assault, battery, or sexual battery) by the same person, regardless of the relationship between the perpetrator and the victim. One of the acts must have been committed within 6 months of the filing of a petition for an injunction.

With the exception of whom the injunction applies to, the new statute authorizing this injunction is almost identical to the existing law authorizing injunctions against domestic violence. The petitioner would not be required to have an attorney, and filing fees could be waived by the clerk of the court. The court would be authorized to issue an injunction only upon notice and a hearing, except that a temporary injunction (effective for a maximum of 30 days) could be issued without a hearing if danger of repeat violence seemed imminent. Any relief granted by the injunction could not exceed one year, unless the court extended the injunction upon the victim's request. The injunction would be enforced through contempt proceedings, including the imposition of a fine.

The bill would expand the enumerated circumstances justifying a lawful warrantless arrest to include an officer having probable cause to believe that a person knowingly committed an act of repeat violence in violation of the newly created statute authorizing an injunction for protection from repeat violence.

Finally, the bill would amend the aggravated battery statute, s. 784.045, F.S., by making it a second degree felony to commit
a battery on a victim whom the offender knew or should have known was pregnant at the time of the battery.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

It is not possible to estimate with any degree of certainty how many protective injunctions for repeat violence will be issued as a result of this bill. According to the State Court Administrator's Office, there were 11,918 civil domestic violence cases disposed of under s. 741.30 in 1987. Although there was no breakdown on the total number of protective injunctions issued, it seems reasonable to assume that injunctions were issued in most of these cases. It also seems reasonable to assume that the number of persons seeking protective injunctions for repeat violence will not be as large as the number seeking injunctions for domestic violence. If the number of persons seeking injunctions against repeat violence is significant, however, it will result in additional man-hour costs for the courts and law enforcement.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST

1. Dugger
2. Wiehlet
3. 
4. 

STAFF DIRECTOR

Liepshutz
Lester BL

REFERENCE

1. JCR
2. JCI
3. 
4. 

ACTION

Fav/CS
FAV/CS

SUBJECT:

Repeat Violence

BILL NO. AND SPONSOR:

CS/CS/SB 725 by Judiciary-Civil
and Judiciary-Criminal Committees
and Senator Frank

I. SUMMARY:

A. Present Situation:

Section 741.30, F.S., authorizes a court to issue an injunction for protection against domestic violence, defined as an assault, battery, or sexual battery committed by a person against his spouse, ex-spouse, or against any other relative who lives in the same house. There is no express statutory authority authorizing a court to issue a comparable injunction for protection against acts of repeat violence when there is no familial relationship between the perpetrator and the victim.

Section 901.15, F.S., enumerates specific circumstances under which a law enforcement officer can make a lawful warrantless arrest. One circumstance justifying a warrantless arrest is an officer having probable cause to believe that someone has committed an act of domestic violence in violation of an injunction against domestic violence. s. 901.15(6), F.S.

B. Effect of Proposed Changes:

The bill would authorize the issuance of a protective injunction for persons who have been victims of two or more acts of violence (assault, battery, or sexual battery) by the same person, regardless of the relationship between the perpetrator and the victim. One of the acts must have been committed within 6 months of the filing of a petition for an injunction.

With the exception of whom the injunction applies to, the new statute authorizing this injunction is almost identical to the existing law authorizing injunctions against domestic violence. The petitioner would not be required to have an attorney, and filing fees could be waived by the clerk of the court. The court would be authorized to issue an injunction only upon notice and a hearing, except that a temporary injunction (effective for a maximum of 30 days) could be issued without a hearing if danger of repeat violence seemed imminent. Any relief granted by the injunction could not exceed one year, unless the court extended the injunction upon the victim's request. The injunction would be enforced through contempt proceedings, including the imposition of a fine.

The bill would expand the enumerated circumstances justifying a lawful warrantless arrest to include an officer having probable cause to believe that a person knowingly committed an act of repeat violence in violation of the newly created statute authorizing an injunction for protection from repeat violence.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:
B. Government:

It is not possible to estimate with any degree of certainty how many protective injunctions for repeat violence will be issued as a result of this bill. According to the State Court Administrator's Office, there were 11,918 civil domestic violence cases disposed of under s. 741.30 in 1987. Although there was no breakdown on the total number of protective injunctions issued, it seems reasonable to assume that injunctions were issued in most of these cases. It also seems reasonable to assume that the number of persons seeking protective injunctions for repeat violence will not be as large as the number seeking injunctions for domestic violence. If the number of persons seeking injunctions against repeat violence is significant, however, it will result in additional man-hour costs for the courts and law enforcement.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
The committee substitute clarifies that the acts of violence must be directed against the petitioner or the petitioner's spouse, children, or parents.

The committee substitute provides for judicial discretion as to whether to have an ex parte hearing on the temporary injunction. If the court determined that an ex parte hearing was appropriate, no evidence would be allowed except the verified pleading or affidavit. If, however, the court determined that an ex parte hearing was not appropriate, the respondent would be given notice and could appear and other evidence could be presented.

The committee substitute provides that the sole relief that the court may grant at a hearing for a temporary injunction is the temporary injunction, not such other relief as the court deems proper.

The committee substitute deletes the provisions relating to battery of a pregnant woman.

Committee on Judiciary-Civil

Bob Foster
Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)
Senator Dudley moved the following amendment, which was adopted: which failed:

amended to Frank #1

On page 1, line 3, strike such a list on the court

NOTE: Reproduced by Florida State Archives, Department of State, R. A. Gray Building, Tallahassee, FL 32399-0250 Sheet 18 Carton 1695

(Scratch Sheet ONLY)  SENATE AMENDMENT
Amendment Form: Scratch sheet

Senator...

moved the following amendment... which was adopted: which failed:

Title Amendment

On page 1, line 5 - Strike:

(lines filled in)

(Scratch Sheet ONLY)
Senator Dudley moved the following amendment, which was adopted: which failed:

Amendment

On page 6, line 3, strike 20-31 and on page 7, line 1-3, strike ...
<table>
<thead>
<tr>
<th>PRIME BILL NUMBER</th>
<th>TYPE OF BILL</th>
<th>SPONSOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>88/H0748 *</td>
<td>general</td>
<td>Gordon</td>
</tr>
</tbody>
</table>

**PRIME BILL TITLE (short title)**

Battery / Repeat Violence Injunction

**SIMILAR/IDENTICAL BILL SUBSTITUTED BY PRIME BILL:** 88/S1239

**DOCUMENTATION REPRODUCED**

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<td>PRIME HOUSE COMMITTEE:</td>
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**OTHER:** ( )

**NOTE:** Consult the Final Legislative Bill Information (from Joint Legislative Management Committee, Division of Legislative Information, 1988) for more detailed bill history data. If prime bill number above is followed by an asterisk (*), it was amended on the floor, and the staff analysis for that bill may not be in accordance with the enacted law. The analyses reproduced here were supplied by the appropriate committee, who is solely responsible for their accuracy and completeness.

**ADDITIONAL INFORMATION:**