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I. INTRODUCTION

On June 7, 1995, Governor Lawton Chiles signed Committee Substitute for Senate Bill 168 into law, creating chapter 95-182 of the Laws of Florida.1 Sections two through seven of chapter 95-182 are identified as the “Officer Evelyn Gort and All Fallen Officers Career Criminal Act of 1995” (“Gort Act”).2 The Gort Act’s namesake, Metro-Dade police officer Evelyn Gort, was shot and killed by an armed robber in Coconut Grove, Florida in 1993.3 Her assailant, twenty-two year old Wilbur Leroy Mitchell, was a career criminal with several prior felony convictions.4 State senators, prompted by Gort’s death and responding to the elevated number of crimes committed in

2. Ch. 95-182, § 1, 1995 Fla. Laws 1665, 1665.
3. Florida Legislature, Career Criminal Bill Merits Support, SUN-SENTINEL (Fort Lauderdale), Feb. 19, 1995, at 6G.
4. Id.
Florida by career criminals, introduced the Gort Act as Senate Bill 168. The bill was initiated during the 1995 Regular Legislative Session as part of a comprehensive four-bill crime package.

The Gort Act contains six sections. Section one of chapter 95-182 identifies sections two through seven as the "Officer Evelyn Gort and All Fallen Officers Career Criminal Act of 1995." Section two is the heart of the Gort Act. Section two amends section 775.084 of the Florida Statutes, which provides enhanced penalties for habitual felony offenders and habitual violent felony offenders. It creates a violent career criminal classification and establishes enhanced sentencing guidelines for qualifying offenders. The act mandates minimum prison terms for violent career criminals and requires them to serve at least eighty-five percent of their court-imposed sentences. It expressly prohibits discretionary early release for violent career criminals and limits the amount of gain time awards they are eligible to receive.

Section two also establishes the qualifications for sentencing as a "violent career criminal." First, a defendant must have three prior felony convictions in Florida as an adult. Qualified offenses enumerated in section two include any forcible felony and felonies involving violence or threats of violence such as aggravated stalking and aggravated child abuse. Convictions that have been set aside by any postconviction proceeding or pardon are not considered. Second, a defendant's present felony offense must be one of the felonies enumerated in section two. Third, a defendant

7. Michael Griffin, Senate Gets Tough on Crime, Package Meant to Force Longer Prison Sentences, SUN-SENTINEL (Fort Lauderdale), Mar. 9, 1995, at 1A.
9. Id. § 2, 1995 Fla. Laws at 1665–70 (codified at FLA. STAT. § 775.084 (1995)).
10. Id.
11. Id. § 2, 1995 Fla. Laws at 1670 (codified at FLA. STAT. § 775.084(4)(j)2. (1995)).
12. Id.
13. Ch. 95-182, § 2, 1995 Fla. Laws 1665, 1667 (codified at FLA. STAT. § 775.084(1)(c) (1995)).
14. Id.
15. Id.
16. Id.
17. Id.
must have been incarcerated in a state or federal prison. Fourth, the defendant must have committed the present felony offense "within 5 years after the conviction of the last prior enumerated felony or within 5 years after the defendant's release... from a prison sentence... imposed as a result of a prior conviction for an enumerated felony, whichever is later." Finally, the defendant must have committed the current felony offense after October 1, 1995, the effective date of chapter 95-182.

Section three of the Gort Act amends section 775.08401 of the Florida Statutes by requiring state attorneys to adopt uniform criteria for deciding when to pursue the habitual felony offender, habitual violent felony offender, and violent career criminal sanctions. Section four amends section 775.0841, which states legislative findings and intent regarding career criminals. Section five amends section 775.0842 of the Florida Statutes, which identifies "[p]ersons subject to career criminal prosecution efforts." Section six amends section 775.0843 of the Florida Statutes, which requires criminal justice agencies to "employ enhanced law enforcement management efforts and resources for the investigation, apprehension, and prosecution of career criminals." Section seven creates section 790.235 of the Florida Statutes, making it illegal for violent career criminals to own or possess firearms. Section seven imposes a minimum sentence of fifteen years imprisonment for individuals convicted of violating the section.

Following certification to the House of Representatives, committee members in the House amended Senate Bill 168 by adding three sections addressing domestic violence. The amendments became sections eight through ten of chapter 95-182. Section eight amends section 741.31 of the Florida Statutes, allowing an award of damages for "[a]ny person who suffers an injury and/or loss as a result of a violation of an injunction for protection against domestic violence." Section nine creates section 768.35, making it illegal for violent career criminals to own or possess firearms. Section seven imposes a minimum sentence of fifteen years imprisonment for individuals convicted of violating the section.

18. Ch. 95-182, § 2, 1995 Fla. Laws 1665, 1667 (codified at FLA. STAT. § 775.084(1)(c)2. (1995)).
19. Id. § 2, 1995 Fla. Laws at 1667 (codified at FLA. STAT. § 775.084(1)(c)3. (1995)).
20. Id.
21. Id. § 3, 1995 Fla. Laws at 1670–71 (codified at FLA. STAT. § 775.08401 (1995)).
22. Id. § 4, 1995 Fla. Laws at 1671 (codified at FLA. STAT. § 775.0841 (1995)).
24. Id. § 6, 1995 Fla. Laws at 1671–73 (codified at FLA. STAT. § 775.0843 (1995)).
25. Id. § 7, 1995 Fla. Laws at 1673 (codified at FLA. STAT. § 790.235 (1995)).
26. Id.
27. ANALYSIS CS/CS/HB 461 & 1885, & CS/SB 168, supra note 5.
28. Ch. 95-182, § 8, 1995 Fla. Laws 1665, 1673–74 (codified at FLA. STAT. § 741.31 (1995)).
granting victims of continuing domestic violence a cause of action against the perpetrator for compensatory and punitive damages. Section ten amends section 784.046 of the Florida Statutes, which establishes the procedures governing the issuance and enforcement of injunctions for protection against repeat violence. It enlarges the duties of the clerk of the court, updates the guidelines for transmission of related information among law enforcement agencies, restricts the authority to serve or execute injunctions for protection against domestic violence to specified law enforcement officers, and enables courts to utilize criminal contempt proceedings to enforce injunctions for protection against repeat violence. The House amendments are the source of the current constitutional challenge raised against chapter 95-182.

The Second and Third District Courts of Appeal of Florida are split over the constitutionality of chapter 95-182. The question raised before the courts was whether chapter 95-182 violates Article III, section six of the Florida Constitution, commonly known as the single subject matter rule. In Thompson v. State, the Second District Court of Appeal held that chapter 95-182 violates the single subject matter rule, reasoning that the career criminal and domestic violence provisions of the act constitute two subjects. The court relied on the Supreme Court of Florida's decisions in Bunnell v. State, State v. Johnson, and Burch v. State in reaching its

29. Id. § 9, 1995 Fla. Laws at 1674 (codified at FLA. STAT. § 768.35 (1995)).
30. Id. § 10, 1995 Fla. Laws at 1674–75 (codified at FLA. STAT. § 784.046 (1995)).
31. Id.
33. Id.; Spann v. State, 719 So. 2d 1031 (Fla. 3d Dist. Ct. App. 1998).
34. Thompson, 708 So. 2d at 316; Spann, 718 So. 2d at 1031.
35. 708 So. 2d 315 (Fla. 2d Dist. Ct. App. 1998).
36. Id. at 317. Recently, a nearly identical issue was presented before the First District Court of Appeal in Trapp v. State. 736 So. 2d. 736 (Fla. 1st Dist. Ct. App. 1999). Trapp involved a single subject challenge to chapter 95-184 of the Laws of Florida. Id. at 737. Similar to chapter 95-182, sections two through 35 of chapter 95-184 address career criminal sentencing. Id. at 737–38. Sections 36 through 38 of chapter 95-184 are identical to sections eight through 10 of chapter 95-182. Compare ch. 95-184, §§ 36–38, 1995 Fla. Laws 1676, 1722–24 (codified at FLA. STAT. §§ 741.31, 768.35, 784.046 (1995)), with ch. 95-182, §§ 8–10, 1995 Fla. Laws 1665, 1673–75 (codified at FLA. STAT. §§ 741.31, 768.35, 784.046 (1995)). As in Thompson, the First District Court of Appeal determined that the act "combine[d] criminal penalties with civil remedies." Trapp, 736 So. 2d at 737. However, the court declined to follow Thompson. See id. at 738–39. Instead, it upheld chapter 95-184 under the controlling authority of Burch v. State, 558 So. 2d 1 (Fla. 1990), reasoning that "[a]ll portions of the legislation...deal[t] with remedies for acts which constitute crimes." Id. at 739. However, the court speculated that the creation of the act may have involved logrolling and certified the question to the Supreme Court of Florida. Id. at 739.
37. 453 So. 2d 808 (Fla. 1984).
decision. The Third District disagreed and in Spann v. State upheld chapter 95-182, rejecting a single subject matter challenge. Both courts acknowledged the conflict. The Supreme Court of Florida granted review.

This comment examines the Second District Court of Appeal's decision in Thompson. Part II of this comment illustrates the issue presented in Thompson, providing background on Article III, section six of the Florida Constitution. Part III presents the facts of the case, its procedural history, and the court’s holding. Part IV scrutinizes the court’s decision.

This comment disagrees with the court’s holding for four reasons. First, the Gort Act relates to the domestic violence provisions in chapter 95-182 by listing aggravated stalking as a qualified offense for sentencing as a violent career criminal and habitual violent felony offender. Second, the Thompson court erroneously characterized the Gort Act as a criminal subject and the domestic violence provisions as an unrelated civil subject. Third, the chapter laws invalidated in Bunnell and Johnson are distinguishable from chapter 95-182. The court also incorrectly distinguished Burch and ignored precedent supporting a conclusion of constitutionality. Fourth, the legislative history of the act does not indicate the presence of “logrolling,” the legislative practice sought to be eliminated by the single subject matter rule.

II. THE SINGLE SUBJECT MATTER RULE

Article III, section six of the Florida Constitution states, “[e]very law shall embrace but one subject and matter properly connected therewith, and

38. 616 So. 2d 1 (Fla. 1993).
39. 558 So. 2d 1 (Fla. 1990).
41. 719 So. 2d 1031 (Fla. 3d Dist. Ct. App. 1998).
42. Id. at 1031, per curiam (relying on Higgs v. State, 695 So. 2d 872 (Fla. 3d Dist. Ct. App. 1997)).
43. See id.; Thompson, 708 So. 2d at 317.
44. See State v. Thompson, 717 So. 2d 538 (Fla. 1998). The Florida Constitution requires the supreme court to hear appeals from decisions of courts of appeal “declaring invalid a state statute or a provision of the state constitution.” Fla. Const. art. V, § 3(b)(1). It grants the supreme court discretionary authority to hear decisions of courts of appeal “that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law,” or decisions “that [are] certified by [a district court of appeal] to be in direct conflict with a decision of another district court of appeal.” Fla. Const. art. V, § 3(b)(3), (4).
45. 708 So. 2d 315 (Fla. 1998).
the subject shall be briefly expressed in the title." 46 Many state constitutions have similar provisions limiting statutes to a single subject and requiring the title of a legislative enactment to disclose its subject. 47 The single subject rule is designed to prevent "the evils of all-inclusive, incongruous, and disconnected legislation." 48 In State v. Canova, 49 the Supreme Court of Florida identified three specific objectives of the single subject matter rule. 50 First, the rule prevents "log rolling legislation." 51 Logrolling is a practice whereby the legislature combines in one bill several unrelated matters that individually could not garner legislative support. 52 The legislature then procures the bill's passage by combining the "minorities in favor of each of the measures into a majority that will adopt them all." 53 Second, the rule prevents fraud and surprise through the careless and unintentional adoption of provisions in a bill not broached by its title. 54 Third, the single subject matter rule affords the public notice of an act's contents and an opportunity to be heard thereon. 55

Article III, section six only applies to chapter laws. 56 Chapter laws are acts of the legislature not yet officially published as part of the Florida Statutes. 57 Chapter laws are added to the existing body of state law under the state's continuous statutory revision program. 58 Acts of the legislature, signed into law are initially printed as session laws, which are bound and published as the Laws of Florida. 59 Following each odd-year legislative

46. FLA. CONST. art III, § 6. The single subject rule contained in article III, section 16 of the 1885 Florida Constitution is nearly identical to that of the current 1968 Florida Constitution. Compare FLA. CONST. of 1885, art III, § 16, with FLA. CONST. art. III, § 6. The former provision read, "Each law enacted in the legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title." FLA. CONST. of 1885, art. III, § 16.

47. See, e.g., ALA. CONST. art IV, § 45; MO. CONST. art III, § 23; OHIO CONST. art II, § 15(D); OR. CONST. art IV, § 20.


49. 94 So. 2d 181 (Fla. 1957).

50. Id. at 184.

51. Id.


53. Id.

54. See State v. Canova, 94 So. 2d 181, 184 (Fla. 1957).

55. See id.

56. See State v. Johnson, 616 So. 2d 1, 2 (Fla. 1993).


58. Id. at 1430.

59. Id.
session, session laws are biennially adopted as part of the Florida Statutes. Once enacted as part of the statute law of the state, "a chapter law is no longer subject to challenge on the grounds that it violates the single subject requirement of article III, section 6, of the Florida Constitution." Therefore, an individual has standing to raise a single subject matter challenge to a chapter law if the violation occurred after the law's effective date and before the date of its reenactment as part of the Florida Statutes.

III. STATEMENT OF THE CASE

The state charged Carol Leigh Thompson with "robbery with a firearm, a first-degree felony punishable by life, aggravated battery of a victim over the age of sixty-five, a first-degree felony, and felon in possession of a firearm, a second-degree felony." All charges are qualified offenses for sentencing under the Gort Act. The state notified Thompson that it would prosecute her as a "habitual felony/habitual violent felony offender/violent career criminal." Thompson moved to "preclude her sentencing as a violent career criminal and to declare unconstitutional chapter 95-182, Laws of Florida." The trial court denied Thompson's motion. Thompson "entered pleas of no contest to each offense, reserving her right to appeal that denial." The trial court concluded that Thompson was a violent career criminal and sentenced her pursuant to the Gort Act.

On appeal, the Second District Court of Appeal reversed Thompson's sentence and declared chapter 95-182 repugnant to Article III, section six of Florida's Constitution. In its opinion, the court identified two distinct

60. See FLA. STAT. § 11.2421 (1999). Supplements to the Florida Statutes are published following each regular even year legislative session. 49 FLA. JUR. 2d Statutes § 2 (1984). The supplements contain "the full text of each section amended during that session, together with the catchlines of sections repealed." Id.

61. Johnson, 616 So. 2d at 2.
62. Id. at 3.
64. Ch. 95-168, § 2, 1995 Fla. Laws 1665, 1667 (codified at FLA. STAT. § 775.084 (1995)).
65. Thompson, 708 So. 2d at 316.
66. Id. Thompson had standing to bring a single subject matter rule challenge to chapter 95-182. Thompson's offense occurred after October 1, 1995, the act's effective date, and prior to its reenactment as part of the Florida Statutes on May 24, 1997. See ch. 97-97, § 1, 1997 Fla. Laws 622, 622 (codified at FLA. STAT. § 11.2421 (1997)).
67. Thompson, 708 So. 2d at 316.
68. Id.
69. Id. The court sentenced Thompson "to life imprisonment on counts one and two and to forty years with a thirty-year-minimum mandatory on count three." Id.
70. Id.
subjects in chapter 95-182—one criminal and one civil.

According to the court, the first subject, embodied in sections two through seven, "create[s] and define[s] the violent career criminal sentencing category and provide[s] sentencing procedures and penalties." The second subject, contained in sections eight through ten, addresses "civil aspects of domestic violence." To support its reasoning, the court presented a simplified history of Senate Bill 168, noting that the Gort Act began as a single bill in the Senate while sections eight through ten of chapter 95-182 originated as three separate bills in the House of Representatives. These three House bills died in committee. Language from these three bills was engrafted onto two separate House bills, one being Committee Substitute for Senate Bill 168. According to the court, "[i]t is in circumstances such as these that problems with the single subject rule are most likely to occur." The court analogizes the combination of provisions contained in chapter 95-182 to chapter laws struck down by the Supreme Court of Florida in Johnson and Bunnell. In both cases, the court invalidated chapter laws for violating Article III, section six of the Florida Constitution. The Thompson opinion implies that the chapter laws invalidated in Johnson and Bunnell were struck down because they impermissibly combined criminal and civil provisions. Concluding that chapter 95-182 impermissibly combines civil and criminal subjects, the court invalidated it based on the Johnson and Bunnell holdings. The court resolved that the provisions of chapter 95-182 had "no 'natural or logical connection.'" According to the court:

Nothing in sections 2 through 7 addresses any facet of domestic violence and, more particularly, any civil aspect of that subject.

71. Thompson, 708 So. 2d at 317.
72. Id. at 316.
73. Id.
74. Id.
75. Id. at 317.
77. Thompson, 708 So. 2d at 317.
78. Id.
79. Id.
80. See id.
81. Id.
82. Thompson, 708 So. 2d at 317.
Nothing in sections 8 through 10 addresses the subject of career criminals or the sentences to be imposed upon them. It is fair to say that these two subjects “are designed to accomplish separate and dissociated objects of legislative effort.”

IV. ANALYSIS

A. Judicial Construction of the Single Subject Matter Rule

The single subject matter rule is the source of numerous constitutional challenges to chapter laws. The difficulty facing the courts when presented with single subject challenges is determining what exactly constitutes a single subject. This task is complicated by the reality that bills passed by the legislature contain numerous provisions, the result of complex transactions and tradeoffs that result in compromised legislation. In response, the courts have developed a framework within which single subject challenges to chapter laws are examined.

As noted, Article III, section six of the Florida Constitution requires that “[e]very law ... embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title.” Courts afford the legislature great deference when enacting laws, and will resolve every reasonable doubt in favor of constitutionality. The courts will not declare an act unconstitutional unless it is invalid beyond a reasonable doubt. Nevertheless, the courts continually reiterate that the provisions of an act must have a “natural or logical connection” in order to pass constitutional muster. In Canova, the Supreme Court of Florida stated that the provisions of an act must be “fairly and naturally germane” to its subject. An act’s provisions must be “necessary incidents to or tend to make effective or promote the objects and purposes of legislation included in the subject.” Courts state that the provisions of an act must not

83. *Id.* (quoting State v. Thompson, 163 So. 270, 283 (Fla. 1935)).
85. FLA. CONST. art III, § 6.
86. See, e.g., Burch v. State, 558 So. 2d 1, 3 (Fla. 1990).
88. *Id.*
89. See, e.g., Martinez v. Scanlan, 582 So. 2d 1167, 1172 (Fla. 1991).
90. State v. Canova, 94 So. 2d 181, 184 (Fla. 1957).
91. *Id.*
"accomplish separate and disassociated objects of legislative effort."92 This test is based on "common sense."93 Acts of the legislature are said to have subjects and objects.94 In Spencer v. Hunt,95 the Supreme Court of Florida distinguished the two concepts as follows:

The "subject" of an act is the matter to which it relates; the "object" is its general purpose. Although the two terms are held to be equivalent by some authorities, the better view is that the word "subject" is a broader term than the word "object," as one subject may contain many objects.96

In Board of Public Instruction v. Doran,97 the Supreme Court of Florida established that "[t]he term 'subject of an act' . . . means the matter which forms the groundwork of the act and it may be as broad as the Legislature chooses as long as the matters included in the act have a natural or logical connection."98 This is a crucial distinction as Article I, section six requires laws to be singular in subject, not object. The single subject rule does not prohibit a statute from containing many provisions, nor does it require the embodiment of every thought of the legislature in a different statute.99 An examination of chapter 95-182 within this context reveals that all of its provisions naturally and logically relate to the single subject of repeated criminality.100

B. The Sections of Chapter 95-182 of the Laws of Florida

The Second District Court of Appeal's holding is partially based on its deduction that nothing in the Gort Act, which is comprised of sections two through seven of chapter 95-182, "addresses any facet of domestic violence."101 However, the court's deduction is inaccurate. In actuality, the

93. Smith v. Department of Ins., 507 So. 2d 1080, 1087 (Fla. 1987).
94. 82 C.J.S. Statutes § 217 (1955).
95. 147 So. 282 (Fla. 1933).
96. Id. at 284 (citing Ex parte Heman, 77 S.W. 225 (Tex. Crim. App. 1903)).
97. 224 So. 2d 693 (Fla. 1969).
98. Id. at 699.
100. Petitioner's Initial Brief on the Merits at 3, State v. Thompson, 750 So. 2d 643 (Fla. 1999) (No. 92-831).
Gort Act does address a facet of domestic violence—aggravated stalking. The act addresses aggravated stalking on two occasions. First, section two of chapter 95-182 lists "[a]ggravated stalking, as described in s. 784.048(3) and (4)" of the Florida Statutes as a qualified offense for sentencing as a violent career criminal. Second, section two amends section 775.084 of the Florida Statutes by adding aggravated stalking as a qualified offense for sentencing as a habitual violent felony offender.

Section 784.048(4) of the Florida Statutes defines the crime of aggravated stalking as follows:

Any person who, after an injunction for protection against repeat violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows or harasses another person commits the offense of aggravated stalking.

The definition of aggravated stalking includes conduct occurring after violation of an injunction for protection against domestic violence. The title of section eight of chapter 95-182, which created section 741.31 of the Florida Statutes, is a "violation of an injunction for protection against domestic violence." It enables domestic violence victims to secure damages for injuries resulting from breach of an injunction. The definition of aggravated stalking in section 784.048(4) of the Florida Statutes also includes conduct occurring after a violation of an injunction for

102. Brief of Appellee at 1, Thompson v. State, 708 So. 2d 315 (Fla. 2d Dist. Ct. App. 1998) (No. 96-02517). The argument that aggravated stalking connects the various sections of chapter 95-182 was the foundation for the state's case in the Second District Court of Appeal of Florida. Id. The state presented this same argument before the Third District Court of Appeal in Higgs v. State, which upheld the constitutionality of chapter 95-182. Id. at 2; Higgs v. State, 695 So. 2d 872, 873 (Fla. 3d Dist. Ct. App. 1997). In its Initial Brief on the Merits in the Supreme Court of Florida, the State incorporated this argument as part of its analysis of the sections of chapter 95-182. Petitioner's Initial Brief on the Merits at 16, State v. Thompson, 750 So. 2d 643 (Fla. 1999) (No. 92-831).
103. Ch. 95-182, § 2, 1995 Fla. Laws 1665, 1667 (codified at FLA. STAT. § 775.084 (1995)).
104. Id.
106. Id.
107. Ch. 95-182, § 8, 1995 Fla. Laws 1665, 1673 (codified at FLA. STAT. § 741.31 (1995)).
108. Id.
protection against repeat violence. Section ten of chapter 95-182 governs the issuance and enforcement of injunctions for protection against repeat violence. Thus, sections eight and ten of chapter 95-182 relate to the crime of aggravated stalking. Collectively, sections eight through ten of chapter 95-182 relate to the crime of aggravated stalking because the definition of domestic violence, which is contained in section 741.28(1) of the Florida Statutes, specifically lists aggravated stalking as a qualifying offense.

When chapter 95-182 amended section 775.084 of the Florida Statutes, it listed aggravated stalking as a qualified offense for sentencing as a violent career criminal and added aggravated stalking as a qualifying offense for sentencing as a habitual violent felony offender. Thus, the legislature’s inclusion of aggravated stalking as a qualifying offense for both violent career criminals and habitual violent felony offenders connects the Gort Act to sections eight through ten of chapter 95-182.

The Thompson court identified two distinct subjects in chapter 95-182—one criminal and one civil. According to the court, sections one through seven “create and define the violent career criminal sentencing category and provide sentencing procedures and penalties.” The court held that sections eight through ten of chapter 95-182 address “civil aspects of domestic violence.” Based on its characterization of these provisions as “civil” and “criminal,” the court concluded that they have no natural or logical connection. However, the court’s description of sections eight through ten is inaccurate. They are criminal statutes.

Sections eight through ten of chapter 95-182 address various aspects of domestic violence. Section 741.28(1) of the Florida Statutes defines domestic violence as “any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical

115. Id. at 316.
116. Id.
117. Id. at 317.
injury or death of one family or household member by another who is or was residing in the same dwelling unit."119 The Florida Statutes identify each offense enumerated in section 741.28 as either a felony or misdemeanor.120 Felonies and misdemeanors are crimes. Likewise, domestic violence, which may encompass any one or a combination of these offenses, is also a crime. In addition, the legislature expressly stated "that domestic violence [should] be treated as a criminal act rather than a private matter."121 Despite the court's characterization, sections eight through ten clearly have a criminal orientation.

Sections eight through ten of chapter 95-182 provide restitution for victims of repeat criminal behavior.122 Restitution is a remedy designed to compensate a victim for damage or loss caused by a defendant's criminal offense.123 Restitution is statutory and may come from the state in the form of governmental assistance to innocent victims of crime, or directly from the responsible perpetrator.124

In Spivey v. State,125 the Supreme Court of Florida held that the purposes of restitution are "to compensate the victim, [and]... serve the rehabilitative, deterrent, and retributive goals of the criminal justice system."126 The court stated that "restitution is a criminal sanction."127 Damages awarded to individuals injured as a result of a breach of an injunction against repeat violence, and compensatory and punitive damages awarded for injuries resulting from continuing domestic violence, clearly may be characterized as restitution since they require "the convicted defendant [to] 'pay' for [his] crime by making financial compensation to the victim ...."128

All the sections of chapter 95-182 relate to the single subject of repeat criminal behavior. It is clear that the Gort Act is an attempt to abate recidivism since habitual felony offenders and violent career criminals are by definition repeat criminals. Conceivably, the threat of longer incarceration will dissuade many from a return to crime. The domestic violence provisions of chapter 95-182 also are an attempt by the legislature

119. FLA. STAT. § 741.28 (1999).
120. Id. §§ 784.01, .011, .02, .021, .03, .045, .048.
121. Id. § 741.2901(2).
122. Petitioner's Initial Brief on the Merits at 13, State v. Thompson, 750 So. 2d 643 (Fla. 1999) (No. 92-831).
123. 15 FLA. JUR. 2d Criminal Law § 2754 (1993).
124. Id. § 2740.
125. 531 So. 2d 965 (Fla. 1988).
126. Id. at 967.
127. Id. (emphasis added).
to dissuade repeated criminality. A repeater is a person who "commit[s] crime and [is] sentenced, and then commit[s] another and [is] sentenced again." Under Florida law, any family or household member who is the victim of domestic violence has standing to file a petition for an injunction for protection against domestic violence against the perpetrator. Domestic violence is a crime. When the perpetrator breaches that injunction, he commits a misdemeanor of the first degree. Misdemeanors are crimes. Thus, one who breaches a protective injunction is a repeater since he committed the crime warranting the injunction, and then committed a second crime by breaching the injunction. Section eight of chapter 95-182 is an attempt to abate such breaches, and in turn control repeat criminality through the deterrent effect of restitution. Likewise, section nine attempts to prevent repeated incidents of domestic violence by providing damages to victims "who [have] suffered repeated physical or psychological injuries over an extended period of time...." Section ten endeavors to control repeated criminality by enabling the courts to utilize criminal contempt proceedings to force compliance with injunctions for protection against repeat violence.

C. The Applicability of Bunnell v. State and State v. Johnson

Once one identifies an act’s subject, the court must find a natural and logical relationship between the act’s components. The Thompson court relied on Bunnell and Johnson to invalidate chapter 95-182. However, the chapter laws voided by the Supreme Court of Florida in Bunnell and Johnson are distinguishable from chapter 95-182. Bunnell presented a challenge to chapter 82-150. Section one of chapter 82-150 created the crime of obstruction of justice by knowingly giving false identification to a law enforcement officer. Sections two and three of the act changed and reduced the membership of the Florida Council

130. FLA. STAT. § 741.30(1)(a) (1999).
131. Id. § 741.2901(2).
132. Id. § 741.31(4)(a).
133. Id. § 775.08(4).
134. Ch. 95-182, § 8, 1995 Fla. Laws 1665, 1674 (codified at FLA. STAT. § 741.31 (1995)).
135. Id. § 9, 1995 Fla. Laws at 1674 (codified at FLA. STAT. § 768.35 (1995)) (emphasis added).
136. Id. § 10, 1995 Fla. Laws at 1674 (codified at FLA. STAT. § 784.046 (1995)).
139. Id.
on Criminal Justice.\textsuperscript{140} The \textit{Bunnell} court invalidated chapter 82-150 reasoning that "the subject of section 1 has no cogent relationship with the subject of sections 2 and 3 and that the object of section 1 is separate and disassociated from the object of sections 2 and 3."\textsuperscript{141}

Chapter 95-182 differs significantly from chapter 82-150. Chapter 95-182 has a single subject—repeated criminality.\textsuperscript{142} Sections two through seven are designed to control criminal behavior through the embellishment of criminal penalties.\textsuperscript{143} Sections eight through ten attempt to abate recidivism through the retributive and restitutional qualities of civil damage remedies.\textsuperscript{144} In contrast, the provisions of chapter 82-150 were attenuated. Section one of chapter 82-150 was a prototypical criminal provision designed to subordinate criminal behavior and expedite criminal investigations. However, sections two and three of chapter 82-150 could be described best as managerial or governmental. These sections are quite clearly designed to accomplish completely different objects of legislative effort. Adjusting the membership of a bureaucratic agency could impact criminal behavior in only a superficial way.

Likewise, the chapter law invalidated by the Supreme Court of Florida in \textit{Johnson} is distinguishable from chapter 95-182.\textsuperscript{145} \textit{Johnson} involved a challenge to chapter 89-280.\textsuperscript{146} The first three sections of the act amended sections 775.084, 775.0842, and 775.0843 of the \textit{Florida Statutes} pertaining to "habitual felony offenders," "career criminal prosecutions," and "policies for career criminal cases."\textsuperscript{147} However, "[s]ections four through eleven of the act pertain[ed] to the Chapter 493 provisions governing private investigation and patrol services, specifically, repossession of motor vehicles and motorboats."\textsuperscript{148} The court held that the provisions of chapter 89-280 had no cogent relationship, rejecting the state's argument that the two provisions

\begin{footnotesize}
\begin{enumerate}
\item[140.] \textit{Id.}
\item[141.] \textit{Id.} The rationale of \textit{Bunnell} is somewhat flawed. The court identified two distinct subjects in chapter 82-150, then concluded that that the two subjects have no cogent relationship. \textit{Id.} However, since Florida's constitution mandates every law to be singular in subject, a law with two subjects would be \textit{per se} unconstitutional. Thus, once the court reasoned that the act had two subjects, it was superfluous to determine their relationship.
\item[142.] \textit{Bunnell}, 453 So. 2d at 809.
\item[143.] \textit{See} ch. 95-182, §§ 2–7, 1995 Fla. Laws 1665, 1665–73 (codified at FLA. STAT. §§ 775.084, .08401, .0841, .0842, .0843, 790.235 (1995)).
\item[144.] \textit{See} \textit{id.} §§ 8–10, 1995 Fla. Laws at 1673–74 (codified at FLA. STAT. §§ 741.31, 768.35, 784.046 (1995)).
\item[145.] \textit{See} \textit{Johnson} v. State, 616 So. 2d 1, 2 (Fla. 1993).
\item[146.] \textit{Id.}
\item[147.] \textit{Id.} at 4.
\item[148.] \textit{Id.}
\end{enumerate}
\end{footnotesize}
relate to the broad subject of crime control. 149 According to the court, the act "addresses two very separate and distinct subjects." 150

Unlike the provisions in chapter 89-280, the provisions in chapter 95-182 have a natural and logical relationship. The inclusion of aggravated stalking as a qualified offense for sentencing as a violent career criminal and habitual felony offender links the Gort Act to sections two through ten of chapter 95-182. 151 The definition of aggravated stalking includes conduct occurring after violations of injunctions for protection against domestic violence and repeat violence. 152 Section eight of chapter 95-182 allows domestic violence victims to secure damages for injuries resulting from a violation of a domestic violence injunction. 153 Section ten amends the procedures governing the issuance and enforcement of injunctions for protection against repeat violence. 154 Collectively, the domestic violence provisions of chapter 95-182 relate to the Gort Act because all are efforts to control repeat criminal behavior. 155 All sections of chapter 95-182 are necessary incidents to and promote the aim of controlling repeat criminal behavior. 156 In sharp contrast, the provisions of chapter 89-280 have no relationship other than a scant association with crime control. 157 As the Johnson court noted, "[n]o reasonable explanation exists as to why the legislature chose to join these two subjects within the same legislative act." 158

D. Burch v. State and the Wide Latitude Afforded the Legislature by the Courts in the Enactment of Laws

In Burch v. State, 159 the Supreme Court of Florida upheld chapter 87-243 of the Laws of Florida against a single subject attack. 160 Chapter 87-243 was a comprehensive piece of crime control legislation. In all, the act contained seventy-six sections, amending, creating, and repealing over
seventy Florida statutes. The act addressed an array of topics including standards and schedules of controlled substances, abatement of nuisances, aircraft registration practices, improvement districts and enterprise zones, safe neighborhoods, drug testing, and drug abuse education in primary and secondary schools. The court held that each area "bear[es] a logical relationship to the single subject of controlling crime . . . ."163

The Thompson court distinguished the chapter law upheld in Burch.164 The court noted that chapter 87-243 had an extensive preamble in which the legislature detailed the purpose of the act and explained the relationship between its parts.165 According to the preamble, the legislature drafted chapter 87-243 as an "urgent and creative remedial action" to combat a crime rate crisis.166 The legislature stated that it enacted a comprehensive law in order to avoid fragmented, duplicative legislation.167 The courts apply the single subject matter rule less stringently to comprehensive legislation provided an act combats a stated crisis and the legislature explains the relationship between its parts.168 Comparing Burch, the Thompson court seems to fault chapter 95-182 for not having an explanatory opening statement.169 However, chapter 95-182 is not comprehensive legislation like that in Burch. Comprehensive means "including much, comprising many things, having a wide scope, [and] inclusive."170 Chapter 95-182 does not address an expansive subject like crime control. It is relatively narrow legislation designed to abate recidivist criminal behavior through increased criminal penalties and civil remedies. No explanatory preamble is necessary to explain the natural and logical relationship between multifarious provisions.

"Prior comprehensive enactments by the legislature demonstrate that widely divergent rights and requirements can be included without challenge

162. Id.
163. Burch, 558 So. 2d at 3.
165. See id.
166. 1987 Fla. Laws ch. 87-243.
167. Id.
168. Cf. State v. Leavins, 599 So. 2d 1326, 1334 (Fla. 1992). In State v. Leavins, the court invalidated chapter 89-187 of the Laws of Florida on the ground that it violated the single subject rule. Id. at 1335. The court identified 22 subjects in the act ranging from gas lease regulation, hunting stamp fees, oyster licenses, and license plate taxes. Id. at 1333–34. The court rejected the state's argument that the provisions of the act related to the general topic of environmental resources. Id. at 1334. "[S]uch a finding would not, and should not, satisfy the test" under the single subject rule. Id. at 1335.
169. See Thompson, 708 So. 2d at 317.
170. 8 WORDS AND PHRASES 444 (1951).
in statutes covering a single subject." On numerous occasions the courts have rejected single subject challenges to chapter laws containing diverse provisions. In Smith v. Department of Insurance, the Supreme Court of Florida upheld the 1986 Tort Reform and Insurance Act against a single subject challenge. The court identified five discrete parts to the act. The legislation included copious long term insurance and tort reforms, and temporary insurance reforms. It also created an insurance law and tort reform task force, and 'modify[d] [the] financial responsibility requirements applicable to physicians.' The court rejected the appellee's contention that the act impermissibly combined civil litigation and tort reform. The court held that civil litigation and tort reform have a natural and logical relationship to the legislature's express objective of making low cost liability insurance available.

In State v. Lee, the Supreme Court of Florida held that a comprehensive chapter law did not violate the single subject rule because it reformed tort laws, automobile insurance laws, and assessed additional fines for various traffic offenses. The court stated that the single subject rule "is not designed to deter or impede legislation by requiring laws to be unnecessarily restrictive in their scope and operation." In Chenoweth v. Kemp, the Supreme Court of Florida upheld chapter 76-260 against a single subject challenge. Chapter 76-260 "covers a broad range of statutory provisions dealing with medical malpractice and insurance . . . ." The court summarily upheld the law, stating that tort litigation and insurance reform have a natural and logical connection.

172. 507 So. 2d 1080 (Fla. 1987).
173. Id. at 1083.
174. Id. at 1085–87.
175. Id. at 1085.
176. Id. at 1086.
177. Smith, 507 So. 2d at 1087.
178. Id.
179. 356 So. 2d 276 (Fla. 1978).
180. Id. at 282.
181. Id.
182. 396 So. 2d 1122 (Fla. 1981).
183. Id. at 1124.
184. Id.
185. Id. Chief Justice Sundberg criticized the Chenoweth majority. Id. at 1126–27. Sundberg characterized chapter 76-260 as a "haphazardly formulated and disjointed" piece of legislation "ranging over almost the entire insurance field." Chenoweth, 396 So. 2d at 1124. According to Sundberg, if chapter 76-260 "passes constitutional muster, one is hard put to envision a chapter which would not." Id. at 1127. Nevertheless, the courts consistently cite Chenoweth with approval. See Burch v. State, 558 So. 2d 1, 2 (Fla. 1990); Smith v.
The provisions contained in chapter 95-182 are nowhere near as extensive as those in Burch, Smith, Lee, and Chenoweth. The court in each case reiterated and reaffirmed the proposition established by Board of Public Instruction v. Doran that an act “may be as broad as the Legislature chooses provided the matters included in the law have a natural and logical connection.” Each decision is highly illustrative of the great deference afforded the legislature by the judiciary.

E. The Legislative History of Chapter 95-182 of the Laws of Florida

When faced with a single subject matter challenge to a legislative act, Florida courts often will examine its legislative history. In this context, legislative history means the “history of the evolution” of the statute. As a general rule, courts may properly look to legislative history where statutes are challenged “because the object to be accomplished is prohibited or a prohibited route is selected to reach a permissive destination.”

The Gort Act was introduced in the Senate on March 7, 1995 as Senate Bill 168. The Senate certified the bill to the House on March 8, 1995, where it entered containing only the Gort Act provisions. As stated previously, House members amended the bill by adding three sections addressing domestic violence. These amendments became sections eight through ten of chapter 95-182. The language in sections eight through ten originated in three separate House bills: House Bill 1251, House Bill 1789, and House Bill 2513. But all three bills died in committee. The Thompson court opined that the legislative history of Senate Bill 168

Department of Ins., 507 So. 2d 1080, 1085 (Fla. 1987); State v. Leavins, 599 So. 2d 1326, 1334 (Fla. 1st Dist. Ct. App. 1992).

186. 224 So. 2d 693 (Fla. 1969).
188. See, e.g., Thompson v. State, 708 So. 2d 315, 317 (Fla. 1998).
189. 73 AM. JUR. 2D Statutes § 150 (1974).
190. Id.
indicates the presence of logrolling. Thompson asserted that the legislature “took advantage of the popular public furor [surrounding Gort’s death] to slip . . . pet bills into” Senate Bill 168. However, the legislative history presented by the Thompson court to support its conclusion is oversimplified. The complete legislative history of chapter 95-182 discounts the inference of the presence of logrolling.

The Final Bill Analysis of House Bill 1251 indicates that it contained six sections. The bill amended sections 741.29 and 741.2902 of the Florida Statutes by inserting legislative intent regarding services for victims of domestic violence and requiring courts to consider making perpetrators attend batterers intervention programs. Section three of House Bill 1251 amended section 741.30 of the Florida Statutes, enlarging the duties of the clerk of the court with respect to protective injunctions, and authorizing certain law enforcement officers to serve those injunctions. Section four of House Bill 1251 amended section 741.30 of the Florida Statutes by enlarging the offense of violation of an injunction for protection against domestic violence to include contacting the victim by telephone, and going to the victim’s home, school, or place of employment. Section five of the bill amended section 784.046 of the Florida Statutes. Similar to section three, section five enlarged the duties of the clerk of the court and law enforcement officers with respect to protective injunctions. Section six of House Bill 1251 provided the effective date.

Of House Bill 1251’s six sections, the House only borrowed language from section five. Section five became section ten of chapter 95-182. Thus, the legislature did not engraft the substance of House Bill 1251 onto Senate Bill 186 as the Thompson court suggests. Instead, the legislature incorporated only a fraction of the House Bill 1251’s language.

197. ANALYSIS PCS/HB 1251, supra note 194.
198. Id.
199. Id.
200. Id.
201. Id.
202. ANALYSIS PCS/HB 1251, supra note 194.
203. Compare ANALYSIS PCS/HB 1251, with ch. 95-182, § 10, 1995 Fla. Laws 1665, 1774 (codified at FLA. STAT. § 784.046 (1995)).
204. Compare ANALYSIS PCS/HB 1251, with ch. 95-182, § 10, 1995 Fla. Laws 1665, 1774 (codified at FLA. STAT. § 784.046 (1995)).
The House also incorporated domestic violence language from House Bill 1789. The Final Bill Analysis of House Bill 1789 illustrates its connection to Senate Bill 186. It notes that "the current definition of domestic violence does not include stalking and aggravated stalking." House Bill 1789 "broadened the definition of domestic violence" by adding, inter alia, aggravated stalking to the definition of domestic violence. The bill added aggravated stalking because the offense is "prevalent in domestic violence cases." The Final Bill Analysis also reveals that House Bill 1789 "enhanced the already existing domestic violence law" by adding "aggravated stalking to the list of crimes which qualify an offender for sentencing as an habitual [violent felony] offender." Thus, it appears that the legislature recognized a relationship between aggravated stalking, habitual offenders, and domestic violence prior to amending the Gort Act. This suggests that the legislature did not "logroll" domestic violence provisions from House Bill 1789 onto the Gort Act. Instead, it simply added provisions it always considered germane to the habitual offender statute.

The House also borrowed language from House Bill 2513. The substance of House Bill 2513 became section nine of chapter 95-182. House Bill 2513 provided, inter alia, civil remedies for victims of violations of injunctions for protection against domestic violence. Domestic violence is a crime that enables victims to obtain protective injunctions against the perpetrator. Since violation of an injunction for protection against domestic violence is a misdemeanor of the first degree, those who breach protective injunctions are repeat offenders. House Bill 2513 clearly was an attempt by the legislature to contain such recidivism through the deterrent effect of civil remedies. The Gort Act, with its enhanced penalties for habitual felony offenders and violent career criminals, is also an attempt to contain repeat criminal behavior. Since both bills dealt with repeat criminality, it was natural and logical for the legislature to combine House Bill 2513 and Senate Bill 168 into one act.

206. Analysis PCS/HB 197, supra note 194. House Bill 1789 incorporated recommendations found by the Governor's Task Force on Domestic Violence. Id.
207. Id.
208. Id.
209. Id.
210. Analysis PCS/HB 197, supra note 194.
211. See Analysis HB 2513, supra note 194.
213. See Analysis HB 2513, supra note 194.
214. See id.
V. CONCLUSION

Chapter 95-182 of the *Laws of Florida* does not violate Article III, section six of the Florida Constitution. An examination of its provisions reveals that each addresses the single subject controlling repeat criminal behavior. The cases relied on by the *Thompson* court to invalidate chapter 95-182 are distinguishable. Chapter 95-182 is not comprehensive legislation. No explanatory preamble is needed to explain the correlation between its parts. On the contrary, it is relatively narrow legislation akin to numerous chapter laws previously upheld by the Florida courts. The legislative history of chapter 95-182 discounts any suggestion of logrolling and reveals a natural and logical relationship between its parts.

Statutory interpretation is complicated by the fact that "words in statutes have multiple meaning." Traditionally, it has been the role of the judiciary to ascertain the meaning of indeterminate statutory language and develop tests to ascertain the lawful boundaries of those statutes. Court decisions interpreting the single subject rule illustrate the difficulty of statutory construction and the challenge of defining a single subject. America's body of law continues to move further away from the common law, becoming increasingly statutory. Acts of the legislature tend to be conglomerations of provisions born of multifarious sources. They are the product of debate and compromise. As the law becomes increasingly more statutory, single subject rule challenges to legislative acts may comprise a larger segment of future court dockets.

VI. ADDENDUM

On December 22, 1999, the Supreme Court of Florida published its decision in *State v. Thompson*. In a per curiam opinion, the majority held that chapter 95-182 of the *Laws of Florida* violated the single subject matter rule. In its opinion, the court assimilated most of the reasoning of the Second District Court of Appeal. The majority adopted the Second District's observation that nothing in the Gort Act "addresses any facet of domestic violence" and that "nothing in sections eight through ten [of chapter 95-182] addresses the subject of career criminals or the sentences to


218. 750 So. 2d 643 (Fla. 1999).

219. Id. at 649.

220. See id. at 648.
be imposed upon them." It analogized chapter 95-182 to chapter laws invalidated in Johnson and Bunnell. The court concluded that the legislative history of chapter 95-182 indicated the presence of logrolling.

In his dissenting opinion, Justice Wells adopted the reasoning of the First District Court of Appeal in Trapp v. State, which upheld chapter 95-184 against a single subject attack. Justice Wells concluded that all portions of the chapter 95-182 dealt with remedies for criminal acts, and therefore the subject of the act is crime prevention. The dissent reiterates the strong presumption favoring the constitutionality of a statute, and the wide latitude afforded the legislature by the courts. Justice Wells also noted that "three district courts out of the four which have ruled on this issue have found the statute sustainable against the one-subject challenge." According to Justice Wells, "the decisions in favor of constitutionality by these three district courts, at the very least, demonstrate that the statute is not unconstitutional."

In its opinion, the majority took cognizance of a jurisdictional split regarding the window period within which an individual had standing to raise a single subject rule challenge to chapter 95-182. The Second District Court of Appeal concluded that the window period for bringing a single subject matter challenge to chapter 95-182 was between October 1, 1995, the law’s effective date, and May 24, 1997. The court concluded the latter date was the date of its reenactment as part of the Florida Statutes. However, while Thompson was pending before the Supreme Court of Florida, the Fourth District Court of Appeal decided Salters v. State. In Salters, the Fourth District concluded that the window period expired on October 1, 1996. The Supreme Court of Florida, however, declined to reach a decision on this matter because Thompson’s offense, which occurred on November 16, 1995, fell within either period. Thus,
the window period in which an individual has standing to raise a single subject matter challenge to a chapter law is presently unresolved.

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