

**STORAGE NAME:** h3569.leps

**DATE:** March 6, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
LAW ENFORCEMENT AND PUBLIC SAFETY  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 3569

**RELATING TO:** Prosecutions/ Annual Report by Florida Prosecuting Attorneys Association

**SPONSOR(S):** Representative Reddick

**COMPANION BILL(S):** None

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY
  - (2)
  - (3)
  - (4)
  - (5)
- 

**I. SUMMARY:**

House Bill 3569 modifies the reporting requirements for specified sexual offenses, where the victim is less than 18 years of age. The Florida Prosecuting Attorneys Association prepares an annual report of these offenses, which includes the initial charge in each case, the age of the victim and the offender, the charge ultimately prosecuted, and the outcome or resolution of the case.

The bill would require, in addition to information currently provided, that the report indicate "whether the state attorney notified the victim or victim's next of kin of the filing decision made by the state attorney."

The bill also requires dispositional reporting where there has been an arrest for a crime of domestic violence, a violation of an injunction for protection against domestic violence or repeat violence, or for stalking, or for any sexual battery under Chapter 794. The report must include at least the following dispositional information:

- (1) whether the state attorney declined to prosecute the crime,
- (2) whether the state attorney dismissed charges against the defendant,
- (3) whether the state attorney entered a plea agreement,
- (4) whether the state attorney proceeded to full prosecution of the crime, and
- (5) whether the state attorney notified the victim or victim's next of kin of the filing decision.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Section 27.365, Florida Statutes, currently requires the Florida Prosecuting Attorneys Association to report to specified members of the Legislature by February 1 of each year (beginning in 1997) regarding sexual offense prosecutions involving victims under 18 years of age. Broken down by judicial circuit, the report must include the following information in summary format for each offense prosecuted during the previous calendar year:

- The initial charge in each case;
- The age of the victim and the age of the offender;
- The charge ultimately prosecuted, if any;
- Whether the case went to trial or was resolved by plea agreement; and
- The sentence imposed in each case, or the status of each case as of December 31st.

The names of sexual offense victims are not included in the report.

B. EFFECT OF PROPOSED CHANGES:

House Bill 3569 modifies the reporting requirements for specified sexual offenses, where the victim is less than 18 years of age. The Florida Prosecuting Attorneys Association prepares an annual report of these offenses, which includes the initial charge in each case, the age of the victim and the offender, the charge ultimately prosecuted, and the outcome or resolution of the case.

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- (3) whether the state attorney entered a plea agreement,
- (4) whether the state attorney proceeded to full prosecution of the crime, and
- (5) whether the state attorney notified the victim or victim's next of kin of the filing decision.

The bill also provides that the name of the victim or other confidential or exempt information shall not be included in the report and that the report shall be made available for public inspection and copying.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill provides additional reporting requirements for the Florida Prosecuting Attorneys Association.

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

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b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

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(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 27.365, Florida Statutes

E. SECTION-BY-SECTION RESEARCH:

This section need be completed only in the discretion of the Committee.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

The bill requires the compilation of additional information from the state attorneys in each of the twenty state judicial circuits. The costs involved are indeterminate.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

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2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

Prepared by:

Legislative Research Director:

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Kurt E. Ahrendt

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