

By Senator Diaz-Balart

37-466-99

1                                   A bill to be entitled  
 2           An act relating to witnesses in judicial  
 3           proceedings; amending s. 92.57, F.S.;  
 4           prohibiting threatening an employee with  
 5           dismissal because of the employee's testimony  
 6           or appearance as a witness in a judicial  
 7           proceeding; authorizing the court to hold an  
 8           employer in contempt for dismissing, or  
 9           threatening to dismiss, an employee because of  
 10          the employee's appearance or testimony as a  
 11          witness; providing an effective date.

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

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 15           Section 1. Section 92.57, Florida Statutes, is amended  
 16 to read:

17           92.57 Termination of employment of witness  
 18 prohibited.--A person who testifies in a judicial proceeding  
 19 ~~in response to a subpoena~~ may not be dismissed from  
 20 employment, or threatened with dismissal from employment,  
 21 because of the nature of the person's testimony or because of  
 22 absences from employment resulting from appearances as a  
 23 witness compliance with the subpoena. The court may hold an  
 24 employer in contempt if the employer, or his or her agent,  
 25 dismisses from employment or threatens to dismiss an employee  
 26 because of his or her appearance or testimony as a witness.  
 27 In any civil action arising out of a violation of this  
 28 section, the court may award compensatory damages, attorney's  
 29 fees, and punitive damages to the person unlawfully dismissed,  
 30 ~~in addition to actual damages suffered by such person.~~

31           Section 2. This act shall take effect July 1, 1999.

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SENATE SUMMARY

Provides that a person who testifies in a judicial proceeding may not be dismissed from employment, or threatened with dismissal, because of the nature of the testimony or because of absences from employment due to appearances as a witness. Provides that the court may hold an employer in contempt for dismissing, or threatening to dismiss, an employee for such reasons.