

By Representatives Cantens, Barreiro, Prieguez, Lacasa,
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1 A bill to be entitled
2 An act relating to protection of a victim or
3 prosecution witness from dismissal from
4 employment; amending s. 960.001, F.S.;
5 prohibiting dismissal of certain persons for
6 appearing as a witness in certain proceedings;
7 providing for a determination of contempt of
8 court; providing a right of civil action
9 against an employer for violating specified
10 provisions; providing for compensatory damages,
11 punitive damages, and attorney fees; creating
12 s. 960.004, F.S.; providing definitions;
13 prohibiting the dismissal from employment of a
14 victim or prosecution witness in a criminal or
15 juvenile case who is summoned to testify in
16 court, when the dismissal is due to the nature
17 or length of such activities; providing for
18 certain certification of the victim or
19 prosecution witness by the office of the state
20 attorney; providing that the threat of such
21 dismissal by the employer or employer's agent
22 may be deemed to be contempt of court;
23 prohibiting the employer from withholding
24 wages, salary, or other compensation from a
25 full-time employee who responds to a victim or
26 prosecution witness summons and gives the
27 employer specified notice; providing an
28 exception; providing penalties for violation of
29 specified provisions prohibiting the dismissal
30 or the withholding of salary, wages, or other
31 compensation; providing a right of civil action

1 against an employer for violating specified
2 provisions; providing for compensatory damages,
3 punitive damages, and attorney's fees;
4 providing an effective date.

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

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8 Section 1. Subsection (9) is added to section 960.001,
9 Florida Statutes, 1998 Supplement, to read:

10 960.001 Guidelines for fair treatment of victims and
11 witnesses in the criminal justice and juvenile justice
12 systems.--

13 (9) Any person who appears as a witness in a criminal
14 or juvenile proceeding shall not be dismissed from employment
15 for any reason relating to the nature or length of such
16 service as a witness. Any threat of dismissal from employment
17 for any reason relating to the nature or length of such
18 service as a witness by an employer or his or her agent made
19 to any employee who appears as a witness may be deemed a
20 contempt of court. Any person who is dismissed from
21 employment for any reason relating to the nature or length of
22 service as a witness may bring a civil action in the courts of
23 this state against the person's employer for any violation of
24 this subsection and such person shall be entitled to collect
25 punitive damages and reasonable attorney fees in addition to
26 compensatory damages for such violation.

27 Section 2. Section 960.004, Florida Statutes, is
28 created to read:

29 960.004 Victim's or prosecution witness's protection
30 from dismissal from employment; prohibitions; penalties; right
31 of civil action.--

1 (1) DEFINITIONS.--For purposes of this section, the
2 term:
3 (a) "Employer" means an individual or business
4 organization that employs at least 10 or more employees who
5 are regularly scheduled to work at least 35 hours per week.
6 (b) "Victim" or "witness" does not include defense
7 witnesses or anyone accused of the crime.
8 (2) PROHIBITION AGAINST DISMISSAL OF VICTIM OR WITNESS
9 FROM EMPLOYMENT.--A victim or witness who is involved in the
10 prosecution of a criminal or juvenile case, who is certified
11 as such by the state attorney's office in the respective
12 circuit, and who is summoned to testify in court, at a
13 deposition or related appointments, may not be dismissed from
14 employment due to the nature or length of these activities.
15 (3) THREATS CONSTITUTING CONTEMPT OF COURT.--A threat
16 of dismissal from employment by an employer or his or her
17 agent made to a victim or witness summoned and certified as
18 described in subsection (2) may be deemed contempt of court
19 from which the summons is issued or the criminal or juvenile
20 case is pending.
21 (4) WITHHOLDING OF COMPENSATION PROHIBITED.--An
22 employer may not withhold wages, salary, or other compensation
23 from any full-time employee because of the employee's absence
24 from work for any day or for any number of hours due to the
25 employee's response to a victim or prosecution witness
26 summons, if the employee gives a copy of the summons to the
27 employee's immediate supervisor at least 5 days prior to the
28 day of testimony, or immediately when received if less than 5
29 days prior to the day of testimony; except that the employer
30 may withhold from the employee's wages, salary, or other
31 compensation an amount equal to but not more than the

1 statutory fees to which the employee is entitled for
2 responding to a criminal case summons, or to a juvenile case
3 summons as provided in s. 985.221 or other applicable law.

4 (5) PENALTIES.--Any person who dismisses a victim or
5 witness from employment in violation of subsection (2) or who
6 withholds a victim's or witness's wages, salary, or other
7 compensation in violation of subsection (4) commits a
8 noncriminal violation as defined by s. 775.08(3), punishable
9 by a fine not exceeding \$500, and shall be ordered by the
10 court to pay to the victim or witness any salary, wages, or
11 other compensation due and withheld from the employee in
12 violation of subsection (4).

13 (6) RIGHT OF CIVIL ACTION AGAINST EMPLOYER.--Any
14 individual harmed by a violation of this section has the right
15 to bring a civil action against the employer to collect
16 compensatory damages and, in addition thereto, punitive
17 damages and reasonable attorney's fees.

18 Section 3. This act shall take effect July 1, 1999.

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HOUSE SUMMARY

Prohibits dismissal of a person for appearing as a witness in a criminal or juvenile proceeding, provides for a determination of contempt of court for such dismissal, and provides a right of civil action against an employer for such dismissal and specifies punitive damages and attorney's fees in addition to compensatory damages. Prohibits the dismissal from employment of a victim or prosecution witness in a criminal or juvenile case who is summoned to testify in court, when the dismissal is due to the nature or length of such activities. Provides for certain certification of the victim or prosecution witness by the office of the state attorney. Provides that the threat of such dismissal by the employer or employer's agent may be deemed to be contempt of court. Prohibits the employer from withholding wages, salary, or other compensation from a full-time employee who responds to a victim or prosecution witness summons and gives the employer specified notice. Provides an exception. Provides penalties for violation of specified provisions prohibiting the dismissal or the withholding of salary, wages, or other compensation. Provides a right of civil action against an employer for violating specified provisions. Provides for compensatory damages, punitive damages, and attorney's fees.