

**STORAGE NAME:** h0391.lec

**DATE:** January 13, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
LAW ENFORCEMENT AND CRIME PREVENTION  
ANALYSIS**

**BILL #:** HB 391

**RELATING TO:** Witness Protection

**SPONSOR(S):** Representative Levine

**TIED BILL(S):** None

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

- (1) LAW ENFORCEMENT AND CRIME PREVENTION
  - (2) FAMILY LAW AND CHILDREN
  - (3) CRIMINAL JUSTICE APPROPRIATIONS
  - (4)
  - (5)
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I. SUMMARY:

House Bill 391 requires the Department of Children and Family Services to conduct a child protective investigation for a child certified by the statewide prosecutor or the state attorney to be a critical witness at risk of harm, if the parent or guardian declines protective services.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Last year, in the state of Connecticut, an 8 year old boy, expected to be a key witness in a murder trial, was shot to death in his home, along with his mother. The boy had witnessed a drive-by shooting and identified the gunman. Initially, the police had provided protection for the family, however, the boy's mother found the police presence intrusive and requested that it be discontinued.

Currently, there is no law in Florida that would require an investigation to determine whether a parent's refusal of an offer of protective services for a critical child witness could result in harm, or constitute neglect sufficient for removal of the child.

C. EFFECT OF PROPOSED CHANGES:

HB 391 would require that the Department of Children and Family Services conduct a child protective investigation to determine if the parent's refusal of "protective services" constitutes neglect, so as to require child protective services pursuant to section 39.303, Florida Statutes.

The bill also appears to *mandate* specific types of protective services for *all* victims or witnesses certified to be at risk of harm. Required protective services include armed protection, escort services, marked or unmarked surveillance, periodic visits by law enforcement officials, temporary relocation to an alternate residence, housing expenses, transportation or storage of personal possessions, basic living expenses, and other services approved by the statewide prosecutor or state attorney.

D. SECTION-BY-SECTION ANALYSIS:

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

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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:

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A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

Prepared by:

Staff Director:

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Kurt E. Ahrendt

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