

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1174

SPONSOR: Senator Rossin

SUBJECT: Public Records

DATE: March 18, 1999

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Crosby</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 1174 provides that a person who flees from actual or threatened domestic violence, and in so doing takes a minor children under circumstances that would otherwise constitute interference with custody, must report their address and phone number to the sheriff's office or state attorney's office for the county in which the child resided. A custody proceeding must be commenced within a specified period of time.

This bill amends section 787.03, Florida Statutes.

II. Present Situation:

Section 787.03, F.S., addresses interference with custody. Under subsection (1), if a person knowingly or recklessly takes or entices an incompetent person or child, aged 17 or younger, or if a person aids, abets, hires, or procures another to take or entice an incompetent person or child from the custody of his or her parent, guardian, lawful custodian, or the agency having charge of that person, the offense committed is interference with custody. Commission of this offense is a felony of the third degree.

Section 787.03(6), F.S., provides that this section does not apply in cases involving certain cases of spousal domestic violence, when the spouse seeks shelter and takes the child or incompetent person with him or her.

III. Effect of Proposed Changes:

Section 1 amends s. 787.03(6), F.S., the domestic violence provision in this section of law, to create a new paragraph (b). This new language will require that a person taking a child pursuant to subsection (6) take the following affirmative steps:

- Within 10 days, report to the sheriff's office or the state attorney's office for the county in which the child resided at the time the child was taken the name, address, and telephone number of the person and the child, as well as the reason the child was taken.
- Within 30 days, commence a custody proceeding which is consistent with the federal Parental Kidnapping Prevention Act.
- Inform the sheriff's office or the state attorney's office for the county in which the child resided of any change in the address or telephone number of the person and the child.

A person has 10 days to make the report and 30 days to commence the custody proceeding.

Section 2 provides an effective date of July 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Companion bill, SB 1172, would exempt from public review specified information provided to the state attorney or sheriff under s. 787.03(6)(b), F.S.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The responsibility to report this information is on the party alleging the abuse. Cases otherwise seen as parental kidnapping may be avoided by compliance with this law.

C. Government Sector Impact:

There should be no fiscal impact associated with this bill. The reporting process should be achievable with current resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
