

STORAGE NAME: h4049a.jj

DATE: February 22, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
JUVENILE JUSTICE
ANALYSIS**

BILL #: HB 4049 (PCB RC 00-25)

RELATING TO: The Florida Statutes

SPONSOR(S): Committee on Rules and Calendar

TIED BILL(S):

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

(1) RULES AND CALENDAR YEAS 17 NAYS 0

(2) JUVENILE JUSTICE YEAS 11 NAYS 0

(3)

(4)

(5)

I. SUMMARY:

The bill repeals various statutory provisions that have become obsolete, have served their purpose, or have been impliedly repealed or superseded.

Section 1 of the bill repeals subsection (6) of s. 984.226, F.S., which requires the Juvenile Justice Accountability Board and the Department of Juvenile Justice to submit reports to the Legislature by dates certain. These reports have been completed and submitted to the Legislature. This subsection has served its purpose and is now obsolete.

Section 2 of the bill repeals subsection (9) of s. 985.303, F.S., which provides a severability clause for the section. The subsection is duplicative as severability is provided for all of the Florida Statutes in s. 11.2423(1)(h), F.S.

Section 3 of the bill repeals s. 985.307, F.S., relates to juvenile assignment centers. The section will be obsolete when it expires on July 1, 2000.

Sections 4 and 5 of the bill delete references to juvenile assignment centers for purposes of conformity. Section 6 of the bill provides an effective date.

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:

Subsection (6) of s. 984.226, F.S., requires the Juvenile Justice Accountability Board ("JJAB") to monitor the operation of a pilot program that was established to provide a physically secure facility for Children In Need Of Services who were found to be in contempt of court. The subsection required the JJAB to issue a preliminary report to the Legislature by December 1, 1998. The Department of Juvenile Justice ("DJJ") and the JJAB were required to issue a joint final report to the Legislature by December 1, 1999. Both reports were completed and submitted to the Legislature. DJJ reports that this facility has been closed.

Subsection (9) of s. 985.303, F.S., provides a severability clause for the section, stating that if any provision of the section is held invalid, the invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application. However, s. 11.2423(1)(h) F.S., addresses severability for all of the Florida Statutes.

Section 985.307, F.S., requires DJJ to establish juvenile assignment centers for committed youth who have been ordered by the court for placement in multi-level risk commitment programs. The section provides that juvenile assignment centers shall be residential facilities servicing committed youth awaiting placement in a residential commitment program.

Section 985.209, F.S., which relates to juvenile assessment centers, and s. 985.215, F.S., which relates to juvenile detention, provide for juvenile assignment center placement of certain youth found to have committed delinquent acts.

C. EFFECT OF PROPOSED CHANGES:

Section 1 of the bill repeals s. 984.226(6), F.S. The subsection provides for reports that have already been completed and submitted to the Legislature. The bill repeals an obsolete subsection that has served its purpose.

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Section 2 of the bill repeals s.985.303(9), F.S. The subsection provides a severability clause for the section. The language is duplicative as s. 11.2423(1)(h), F.S., provides severability for all of the Florida Statutes. The bill repeals a subsection that is unnecessary.

Section 3 of the bill repeals s. 985.307, F.S. The section requires the establishment of juvenile assignment centers by the Department of Juvenile Justice ("DJJ") to serve committed youth placed by the court in multi-level risk commitment programs. Subsection (6) of s. 985.307, F.S., provides that the section expires July 1, 2000. DJJ reports that the centers have already been closed. Section 4 and 5 of the bill repeal references to assignment center placement for purposes of conformity. The bill repeals a section that has served its purpose and will become obsolete as of July 1, 2000.

D. SECTION-BY-SECTION ANALYSIS:

Please refer to paragraph II-B (Present Situation) and paragraph II-C (Effect of Proposed Changes).

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:

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 JUVENILE JUSTICE:

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