

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 2000

SPONSOR: Senator Crist

SUBJECT: Juveniles/Adjudicatory Hearing/Speedy Trial

DATE: March 26, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	<u> </u>	<u> </u>	<u>JU</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AAV</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

Senate Bill 2000 changes the “triggering event” which starts the 90 day time period (applicable time period when there is no demand for speedy trial) so that it begins to run *when the summons, issued upon the filing of a delinquency petition, is served* or when the juvenile is taken into custody, whichever is earlier. (Currently, the rule of juvenile procedure provides that the 90 day speedy trial time period begins to run *when the delinquency petition is filed* or when the juvenile is taken into custody.) This change should prevent a delinquency petition from being dismissed because law enforcement was unable to serve process or take the juvenile into custody within the 90 day speedy trial time period.

The bill also repeals the current juvenile speedy trial rule (Fla. R. Juv. P. 8.090) to the extent it is inconsistent with this act. This will require a two thirds vote of each house of the Legislature.

This bill substantially amends section 985.219 of the Florida Statutes.

II. Present Situation:

Section 985.219(8), F.S., provides that the jurisdiction of the court attaches to a juvenile and the case *when the summons is served* on the juvenile and a parent or legal guardian (a copy of the petition alleging delinquency must be attached) or when the juvenile is taken into custody, whichever occurs first. The rule of juvenile procedure outlining speedy trial in juvenile cases meanwhile requires that a juvenile be brought to an adjudicatory hearing (without demanding it) within 90 days of either *the date the petition is filed* or the date the juvenile is taken into custody. (If the juvenile demands a speedy trial, it is 60 days.) Fla. R. Juv. P. 8.090.

A situation could arise in which a petition is filed (thereby starting the 90 day speedy trial time period under the rule) but the juvenile is never brought under the statutory jurisdiction of the court because he or she was never served with a summons, was not taken into custody, or was taken into custody after the ninety day period ended. Under these facts, a delinquency petition may be dismissed because law enforcement was unable to serve process or take the juvenile into custody within the 90 day speedy trial time period.

The Department of Juvenile Justice estimates that 90 percent of adjudicatory hearings are already held within 90 days of the date the petition of delinquency is filed. According to the DJJ, the most common causes for delays include:

- Incomplete discovery,
- Juvenile does not appear at arraignment,
- Additional testing or evaluation of juvenile,
- Lack of availability of a key witness,
- Juvenile moved before a summons was issued,
- Parent or guardian refused to bring juvenile to court,
- Bad address or no one home when summons was served,
- Lab results not received,
- Conflicting schedules of attorneys,
- Competency issues, or
- Additional charges are pending.

III. Effect of Proposed Changes:

Senate Bill 2000 would change the “triggering event” which starts the 90 day time period (applicable time period when there is no demand for a speedy trial) so that it begins to run *when the summons, issued upon the filing of a delinquency petition, is served* or when the juvenile is taken into custody, whichever is earlier. (Currently, the *rule of juvenile procedure* provides that the 90 day time period begins to run *when the delinquency petition is filed* or when the juvenile is taken into custody.) This change should prevent a delinquency petition from being dismissed because law enforcement was unable to serve process or take the juvenile into custody within the 90 day speedy trial time period.

The bill would also repeal the current juvenile speedy trial rule (Fla. R. Juv. P. 8.090) to the extent it is inconsistent with this act. This will require a two thirds vote of each house of the Legislature.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The Legislature has the authority under the Florida Constitution to repeal a court rule of procedure by a two thirds vote of the membership of each house of the Legislature. Since the bill provides for such a vote, there is no constitutional prohibition against repealing Fla. R. Juv. P. 8.090 to the extent it is inconsistent with this act.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Any fiscal impact from the bill should be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.