

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 312
 SPONSOR: Senator Smith
 SUBJECT: Department of Juvenile Justice
 DATE: February 25, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Favorable
2.	_____	_____	ACJ	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill amends s. 985.407, F.S., to require the Department of Juvenile Justice (DJJ) to adopt a rule pursuant to ch.120, F.S., which will establish a procedure to provide notice of policy changes that affect contracted delinquency services and programs. The bill defines “policy,” as well as specifies what will be required as part of the new rule.

This bill substantially amends section 985.407 of the Florida Statutes.

II. Present Situation:

Chapter 120, F.S., prescribes the procedures for a state agency to adopt rules under the Administrative Procedure Act. Section 985.405, F.S., authorizes the DJJ to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement the provisions of ch. 985, F.S., relating to juvenile delinquency. According to the department, it needs specific rule making authority to adopt new rules relating to policy changes affecting contracted providers.

Section 985.407, F.S., outlines the department’s contracting powers, as well as prescribes the requisite personnel standards and screening requirements.

III. Effect of Proposed Changes:

The bill would amend s. 985.407, F.S., to require the DJJ to adopt a rule pursuant to ch.120, F.S., establishing a procedure to provide notice of policy changes that affect contracted delinquency services and programs. In other words, this rule would provide notice of how the department will adopt policies affecting private juvenile justice providers. A “policy” would be defined under the bill as an operational requirement applying to only the specified contracted delinquency service or program. The procedure to provide notice of policy changes would be required to include the

following components: public notice, opportunity for public comment, assessment of fiscal impact upon the department and the providers, and the department's response to any comments received.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the department, the bill's proposed procedure for policy adoption has been agreed to by various private providers represented by the Florida Juvenile Justice Association, the Associated Marine Institutes, and the Windsor Group, as well as by the department.

VIII. Amendments:

None.