

# 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.)

Prepared By: Children and Families Committee

BILL: SB 1748

INTRODUCER: Senator Wise

SUBJECT: Juvenile Justice

DATE: March 17, 2006      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Duggar	Cannon	CJ	<b>Fav/1 amendment</b>
2.	Sanford	Whiddon	CF	<b>Favorable</b>
3.	_____	_____	JU	_____
4.	_____	_____	JA	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see last section for Summary of Amendments**

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

**I. Summary:**

Chapter 985, F.S., addresses Florida’s juvenile justice system. Some judges, prosecutors, defense attorneys, and agency personnel have indicated that the chapter’s current organization is difficult to utilize in practice.

The bill reorganizes ch. 985, F.S., to provide a chronological presentation of the delinquency proceeding from the introduction of the child into the system to the case outcome. It divides the chapter into 13 parts. It also divides larger sections within the chapter into smaller parts that are given more meaningful section and subheading names to better describe and organize the chapter’s contents.

The bill is designed to be strictly a technical rewrite of ch. 985, F.S., with no substantive changes to current law.

This bill substantially amends chapter 985 of the Florida Statutes.

**II. Present Situation:**

Chapter 985, F.S., addresses Florida’s juvenile justice system. Some judges, prosecutors, defense attorneys, and agency personnel have indicated that the chapter’s current organization is difficult

to utilize in practice. For example, even though the chapter contains s. 985.201, F.S., entitled “Jurisdiction,” wherein all matters related to juvenile jurisdiction presumably would be located, numerous other sections in the chapter also contain provisions relating to jurisdiction. *See e.g.* ss. 985.23, 985.231, 985.31, and 985.313, F.S.

To address this problem, in 2003, the Delinquency Subcommittee of the Steering Committee of Families and Children in the Court prepared a proposed reorganization of ch. 985, F.S. The subcommittee was comprised of representatives from the judiciary, the state attorney’s office, the public defender’s office, and the Department of Juvenile Justice. This bill is the result of the subcommittee’s efforts.

### III. Effect of Proposed Changes:

The bill is purely technical and is designed to make the juvenile delinquency statutes more “user-friendly” for all stakeholders: state attorneys, public defenders, children, parents, judges, employees of the Department of Juvenile Justice (DJJ), and private providers of delinquency services. “Whereas” clauses contained in the bill specify that the Legislature recognizes that ch. 985, F.S., has become disjointed and disorganized due to numerous amendments since its original enactment and that the Legislature intends for the bill, “. . . to strictly effect a technical reorganization of ch. 985, F.S., without any substantive change to its contents, for the purpose of simplifying the chapter’s presentation and providing greater clarity for its users . . . .”

The bill reorganizes ch. 985, F.S., as follows:

**Chronological Presentation** -- Chapter 985, F.S., is reorganized to provide a chronological presentation of the delinquency proceeding from the introduction of the child into the system to the case outcome. It divides the chapter into the following 13 parts:

1. General Provisions
2. Records and Information
3. Custody and Intake; Intervention and Diversion
4. Examinations and Evaluations
5. Detention
6. Petition, Arraignment and Adjudication
7. Disposition; Post-Disposition
8. Authority of Court Over Parents or Guardians
9. Appeal
10. Transfer to Adult Court
11. Department of Juvenile Justice
12. Miscellaneous Offenses
13. Interstate Compact on Juveniles

**Topical Reorganization** -- The bill divides larger sections of ch. 985, F.S., into smaller parts that are given more meaningful section and subheading names to better describe and organize the chapter’s contents.

Section 1 reorganizes heading titles of ch. 985, F.S. (pp. 16-18)

Section 2 amends s. 985.01, F.S., to change section heading; makes technical drafting changes. (pp. 18-19)

Section 3 amends s. 985.02, F.S., to make conforming changes. (p. 19)

Section 4 renumbers subsections (1) through (6), (8) through (31), (33) through (48), and (50) through (60) of s. 985.03, F.S., as subsections (1) through (57); corrects cross-references; makes conforming changes. (pp. 19-24)

Section 5 renumbers s. 985.201, F.S., and s. 985.219(8), F.S., as s. 985.0301, F.S.; reinstates text relating to jurisdiction that is struck in other sections of the bill; corrects cross-references; makes conforming changes. (pp. 24-28)

Section 6 renumbers s. 985.202, F.S., as s. 985.032, F.S. (p. 28)

Section 7 renumbers s. 985.203, F.S., as s. 985.033, F.S.; corrects cross-references; clarifies that right to counsel does not include transfer proceedings pursuant to s. 985.441(3), F.S., unless the court sets a hearing to review the transfer; makes conforming changes; makes technical drafting changes. (pp. 28-29)

Section 8 renumbers s. 985.205, F.S., as s. 985.035, F.S. (p. 29)

Section 9 renumbers s. 985.206, F.S., as s. 985.036, F.S.; reinstates text that is struck by other sections of the bill; makes conforming changes. (pp. 29-30)

Section 10 renumbers s. 985.216, F.S., as s. 985.037, F.S.; strikes text that is reinstated in other sections of the bill; corrects cross-references; makes conforming changes. (pp. 30-33)

Section 11 renumbers s. 985.2311, F.S., as s. 985.039, F.S.; makes technical drafting changes. (pp. 33-34)

Section 12 amends s. 985.04, F.S.; corrects cross-references; makes conforming and technical drafting changes. (pp. 34-38)

Section 13 renumbers s. 985.05, F.S., as s. 985.045, F.S.; corrects cross-references; makes technical drafting changes. (pp. 38-41)

Section 14 renumbers ss. 985.06 and 985.08, F.S., respectively as ss. 985.046 and 985.047, F.S. (p. 41)

Section 15 renumbers ss. 985.207 and 985.215(3), F.S., as s. 985.101, F.S.; corrects cross-references; makes conforming and technical drafting changes. (pp. 41-43)

Section 16 renumbers s. 985.2075, F.S., as s. 985.105, F.S.; makes technical drafting changes. (pp. 43-44)

Section 17 renumbers s. 985.212, F.S., as s. 985.11, F.S.; corrects cross-references. (pp. 44-46)

Section 18 renumbers s. 985.211 (1), (2), (5), and (7), F.S., as s. 985.115, F.S.; corrects cross-references; makes technical drafting and conforming changes. (pp. 46-48)

Section 19 renumbers s. 985.301, F.S., as s. 985.12, F.S.; corrects cross-references. (p. 48)

Section 20 renumbers s. 985.3065, F.S., as s. 985.125, F.S. (p. 48)

Section 21 renumbers s. 985.211(3), (4), and (6), F.S., as s. 985.13, F.S.; amends section title; corrects cross-references; makes technical drafting and conforming changes. (pp. 48-50)

Section 22 renumbers s. 985.209, F.S., as s. 985.135, F.S.; makes technical drafting changes. (p. 51)

Section 23 renumbers s. 985.21(1) and (2), F.S., as s. 985.14, F.S.; amends section title; strikes text that is reinstated in other sections of the bill; reinstates text that is struck by other sections of the bill; corrects cross-references; makes technical drafting and conforming changes. (pp. 51-56)

Section 24 renumbers s. 985.21(3), (4), and (5), F.S., as s. 985.145, F.S.; reinstates text that is struck by other sections of the bill; strikes text that is reinstated in other sections of the bill; corrects cross-references; makes conforming changes. (pp. 56-67)

Section 25 creates s. 985.15, F.S.; reinstates text that is struck by other sections of the bill; corrects cross-references. (pp. 67-68)

Section 26 renumbers s. 985.303, F.S., as s. 985.155, F.S. (p. 68)

Section 27 renumbers s. 985.304, F.S., as s. 985.16, F.S.; corrects cross-references. (pp. 68-69)

Section 28 renumbers ss. 985.224(1) through (8) and 985.215(10)(e), F.S., as s. 985.224, F.S. (p. 69)

Section 29 renumbers s. 985.229(1) and (2), F.S., as s. 985.185, F.S.; amends section title; strikes text that is reinstated in other sections of the bill; corrects cross-references. (pp. 69-71)

Section 30 renumbers ss. 985.223 and 985.418, F.S., as ss. 985.19 and 985.195, F.S., respectively. (p. 71)

Section 31 renumbers ss. 985.213(1) and (4), and 985.214(1) and (2), F.S., as s. 985.24, F.S.; amends section title; corrects cross-references; makes technical drafting and conforming changes. (pp. 71-72)

Section 32 renumbers s. 985.213(2), F.S., as s. 985.245, F.S.; amends section title; strikes text that is reinstated in other sections of the bill; corrects cross-references; makes technical drafting and conforming changes. (pp. 72-74)

Section 33 renumbers s. 985.215(1) and (5)(b), F.S., as s. 985.25, F.S.; amends section title; corrects cross-references; makes technical drafting and conforming changes. (pp. 75-76)

Section 34 renumbers s. 985.215(2), F.S., as s. 985.255, F.S.; amends section title; reinstates text that is struck by other sections of the bill; corrects cross-references; makes technical drafting and conforming changes. (pp. 76-80)

Section 35 renumbers s. 985.215(5)(a) and (c) through (g) and (7), F.S., as s. 985.26, F.S.; amends section title; reinstates text that is struck at end of this section; strikes text that is reinstated earlier in this section; corrects cross-references; makes technical drafting and conforming changes. (pp. 80-83)

Section 36 renumbers ss. 985.215(4), (8), (9), and (11), and 985.213(3), F.S., as s. 985.265, F.S.; amends section title; corrects cross-references; makes technical drafting and conforming changes. (pp. 83-85)

Section 37 renumbers s. 985.215(10)(a) through (d) and (f), F.S., as s. 985.27, F.S.; amends section title; reinstates text that is struck by other sections of the bill; strikes text that is reinstated in other sections of the bill; makes conforming changes. (pp. 85-87)

Section 38 renumbers s. 985.208, F.S., as s. 985.275, F.S.; corrects cross-references. (pp. 87-88)

Section 39 renumbers s. 985.218, F.S., as s. 985.318, F.S. (p. 88)

Section 40 renumbers s. 985.219(1) through (7) and (9) through (12), F.S., as s. 985.319, F.S.; corrects a cross-reference; makes technical drafting changes. (pp. 88-89)

Section 41 renumbers s. 985.22, F.S., as s. 985.325, F.S.; corrects cross-references. (p. 89)

Section 42 renumbers ss. 985.221, 985.222, and 985.306, F.S., as ss. 985.331, 985.335, and 985.345, F.S., respectively. (p. 89)

Section 43 renumbers s. 985.228, F.S., as s. 985.35, F.S.; adds text to reflect current context in ch. 985, F.S.; corrects cross-references; makes technical drafting and conforming changes. (pp. 89-92)

Section 44 renumbers s. 985.229(3), F.S., as s. 985.43, F.S.; amends section title; reinstates text that is struck by other sections of the bill; corrects cross-references. (pp. 92-94)

Section 45 renumbers s. 985.23, F.S., as s. 985.433, F.S.; reinstates text that is struck by other sections of the bill; strikes text that is reinstated in other sections of the bill; makes technical drafting and conforming changes. (pp. 94-100)

Section 46 renumbers s. 985.231(1)(a), F.S., as s. 985.435, F.S.; amends section title; reinstates text that is struck by other sections of the bill; strikes text that is reinstated in other sections of the bill; corrects cross-references; makes technical drafting and conforming changes. (pp. 100-107)

Section 47 creates s. 985.437, F.S.; reinstates text that is struck by other sections of the bill; corrects cross-references. (pp. 107-108)

Section 48 creates s. 985.439, F.S.; reinstates text that is struck by other sections of the bill; corrects cross-references. (pp. 108-110)

Section 49 creates s. 985.441, F.S.; reinstates text that is struck by other sections of the bill; corrects cross-references. (pp. 110-113)

Section 50 renumbers s. 985.232, F.S., as s. 985.442, F.S. (p. 113)

Section 51 renumbers s. 985.231(1)(j), F.S., as s. 985.445, F.S.; amends section title; corrects cross-references; makes technical drafting and conforming changes. (p. 113)

Section 52 renumbers s. 985.231(1)(g), F.S., as s. 985.45, F.S.; amends section title; makes conforming changes. (p. 114)

Section 53 renumbers s. 985.231(1)(d) and (h), F.S., as s. 985.455, F.S.; reinstates text that is struck by other sections of the bill; strikes text that is reinstated in other sections of the bill; makes conforming changes. (pp. 114-117)

Section 54 renumbers s. 985.316(4), F.S., as s. 985.46, F.S.; corrects cross-references. (p. 117)

Section 55 renumbers s. 985.313, F.S., as s. 985.465, F.S.; strikes text that is reinstated in other sections of the bill; makes technical drafting changes. (pp. 117-119)

Section 56 renumbers ss. 985.03(49) and 985.31(1) through (5), F.S., as s. 985.47, F.S.; amends subsection titles; strikes text that is reinstated in other sections of the bill; corrects cross-references; makes technical drafting and conforming changes. (pp. 119-132)

Section 57 renumbers ss. 985.03(32) and 985.231(3), F.S., as s. 985.475, F.S.; amends section and subsection titles; corrects cross-references; makes technical drafting and conforming changes. (pp.132-136)

Section 58 renumbers s. 985.308, F.S., as s. 985.48, F.S. (p. 136)

Section 59 renumbers ss. 985.03(7) and 985.311(1) through (5), F.S., as s. 985.483, F.S.; amends subsection titles; corrects cross-references; makes technical drafting and conforming changes. (pp. 136-150)

Section 60 renumbers s. 985.312, F.S., as s. 985.486, F.S.; corrects cross-references. (p. 151)

Section 61 renumbers s. 985.309, F.S., as s. 985.489, F.S.; corrects cross-references. (pp. 151-152)

Section 62 renumbers s. 985.314, F.S., as s. 985.494, F.S.; corrects cross-references. (pp. 152-153)

Section 63 creates s. 985.511, F.S.; reinstates text that is struck by other sections of the bill; corrects cross-references. (p. 153)

Section 64 renumbers s. 985.204, F.S., as s. 985.512, F.S. (p. 153)

Section 65 renumbers s. 985.231(1)(e), F.S., as s. 985.513 F.S.; reinstates text that is struck by other sections of the bill; corrects cross-references; makes technical drafting and conforming changes. (pp. 153-154)

Section 66 creates s. 985.514, F.S.; reinstates text that is struck by other sections of the bill; corrects cross-references. (pp. 154-155)

Section 67 renumbers s. 985.234, F.S., as s. 985.534, F.S.; corrects a cross-reference; makes technical drafting changes. (pp. 155-156)

Section 68 renumbers ss. 985.235, and 985.236, F.S., as ss. 985.535, and 985.536, F.S., respectively. (p. 156)

Section 69 renumbers s. 985.226, F.S., as s. 985.556, F.S.; amends section and subsection titles; strikes text that is reinstated in other sections of the bill; corrects cross-references; makes technical drafting and conforming changes. (pp. 156-161)

Section 70 renumbers s. 985.227, F.S., as s. 985.557, F.S.; amends section and subsection titles; corrects cross-references; makes technical drafting and conforming changes. (pp. 161-166)

Section 71 renumbers s. 985.225, F.S., as s. 985.56, F.S.; corrects cross-references; makes technical drafting changes. (pp. 166-168)

Section 72 renumbers s. 985.233(1) through (4), F.S., as s. 985.565, F.S.; amends paragraph titles; adds text to reflect current context of ch. 985, F.S.; corrects cross-references; makes technical drafting and conforming changes. (pp. 168-172)

Section 73 renumbers s. 985.417, F.S., as s. 985.57, F.S. (p. 172)

Section 74 renumbers s. 985.404(1) through (12), F.S., as s. 985.601, F.S.; strikes text that is reinstated in other sections of the bill; changes reference to Department of Labor and Employment Security to Agency for Workforce Innovation; corrects cross-references; makes conforming changes. (pp. 172-174)

Section 75 renumbers s. 985.4043, F.S., as s. 985.6015, F.S.; makes technical drafting changes. (p. 174)

Section 76 renumbers s. 985.3045, F.S., as s. 985.605, F.S.; amends section title; strikes obsolete language; reinstates text that is struck previously in section; corrects cross-references; makes technical drafting and conforming changes. (pp. 174-178)

Section 77 renumbers s. 985.3046, F.S., as s. 985.606, F.S.; amends section title; strikes obsolete language. (pp. 178-179)

Section 78 renumbers s. 985.305, F.S., as s. 985.61, F.S. (p. 179)

Section 79 renumbers s. 985.2066, F.S., as s. 985.614, F.S.; makes technical drafting changes. (p. 179)

Section 80 renumbers s. 985.315, F.S., as s. 985.618, F.S.; corrects cross-references. (pp. 179-180)

Section 81 renumbers s. 985.3155, F.S., as s. 985.622, F.S. (p. 180)

Section 82 renumbers s. 985.317, F.S., as s. 985.625, F.S.; corrects a cross-reference. (p. 180)

Section 83 renumbers s. 985.419, F.S., as s. 985.629, F.S. (p. 180)

Section 84 renumbers s. 985.412, F.S., as s. 985.632, F.S. (p. 180)

Section 85 renumbers s. 985.42, F.S., as s. 985.636, F.S. (p. 180)

Section 86 renumbers s. 985.405, F.S., as s. 985.64, F.S.; amends section title; makes technical drafting changes. (pp. 180-181)

Section 87 renumbers ss. 985.01(2) and 985.407(1) through (5), F.S., as s. 985.644, F.S. (p. 181)

Section 88 renumbers s. 985.408, F.S., as s. 985.648, F.S.; corrects a cross-reference; makes technical drafting changes. (p. 181)

Section 89 renumbers s. 985.409, F.S., as s. 985.652, F.S. (p. 181)

Section 90 renumbers s. 985.406, F.S., as s. 985.66, F.S.; amends section title; corrects a cross-reference; makes technical drafting changes. (pp. 181-183)

Section 91 renumbers s. 985.4135, F.S., as s. 985.664, F.S.; corrects a cross-reference. (p. 183)

Section 92 renumbers ss. 985.416 and 985.4145, F.S., as ss. 985.668 and 985.672, F.S., respectively. (p. 183)

Section 93 renumbers s. 985.415, F.S., as s. 985.676, F.S.; corrects cross-references; makes technical drafting changes. (pp. 184-185)



Section 94 renumbers s. 985.41, F.S., as s. 985.682, F.S.; corrects a cross-reference; makes technical drafting changes. (pp. 185-186)

Section 95 renumbers s. 985.2155, F.S., as s. 985.686, F.S. (p. 186)

Section 96 renumbers s. 985.411, F.S., as s. 985.688, F.S.; corrects cross-references; makes technical drafting changes. (p. 186)

Section 97 renumbers ss. 985.4075, 985.4041, and 985.4042, F.S., as ss. 985.69, 985.692, and 985.694, F.S., respectively. (p. 187)

Section 98 renumbers ss. 985.4045 and 985.4046, F.S., as ss. 985.701 and 985.711, F.S., respectively. (p. 187)

Section 99 renumbers s. 985.3141, F.S., as s. 985.721, F.S.; corrects a cross-reference. (p. 187)

Section 100 renumbers s. 985.2065, F.S., as s. 985.731, F.S.; makes technical drafting changes. (p. 187)

Section 101 renumbers ss. 985.501, 985.502, 985.503, 985.504, 985.505, 985.506, and 985.507, F.S., as ss. 985.801, 985.802, 985.803, 985.804, 985.805, 985.805, and 986.807, F.S., respectively. (p. 188)

Section 102 renumbers s. 985.5025, F.S., as s. 985.8025, F.S.; corrects a cross-reference. (p. 188)

Section 103 repeals ss. 985.215(6), 985.231(1)(b), (c), (f), and (i) and (2) and 985.233(4)(d), F.S. (p. 188)

Section 104 amends s. 29.004, F.S.; corrects a cross-reference. (pp. 188-189)

Section 105 amends s. 29.008, F.S.; corrects a cross-reference. (p. 189)

Section 106 amends s. 253.025(17), F.S.; corrects a cross-reference. (p. 189)

Section 107 amends s. 318.21(1), F.S.; corrects a cross-reference. (pp. 189-190)

Section 108 amends s. 397.334, F.S.; corrects a cross-reference. (p. 190)

Section 109 amends s. 400.953(3), F.S.; corrects a cross-reference. (p. 190-191)

Section 110 amends s. 419.001(1)(d), F.S.; corrects a cross-reference. (p. 191)

Section 111 amends s. 435.04(2)(tt) and (uu); corrects cross-references. (pp. 191-192)

Section 112 amends s. 790.115(4), F.S.; corrects cross-references. (p. 192)

Section 113 amends s. 790.22(8) and (9), F.S.; corrects cross-references. (pp. 192-194)

- Section 114 amends s. 921.0022(3)(c), F.S.; corrects a cross-reference. (pp. 194-201)
- Section 115 amends s. 938.10, F.S.; corrects a cross-reference. (p. 201)
- Section 116 amends s. 943.053(9), F.S.; corrects a cross-reference. (pp. 201-202)
- Section 117 amends s. 943.0582, F.S.; corrects a cross-reference. (pp. 202-203)
- Section 118 amends s. 943.0585(4)(a), F.S.; corrects a cross-reference. (pp. 203-205)
- Section 119 amends s. 943.059(4)(a), F.S.; corrects a cross-reference. (pp. 206-208)
- Section 120 amends s. 948.51(2), F.S.; corrects a cross-reference. (pp. 208-210)
- Section 121 amends s. 958.046, F.S.; corrects a cross-reference. (pp. 210-211)
- Section 122 amends s. 960.001(1)(b) and (j), F.S.; corrects cross-references. (pp. 211-214)
- Section 123 amends s. 984.03(48), F.S.; corrects a cross-reference. (p. 214)
- Section 124 amends s. 984.05, F.S.; corrects a cross-reference. (p. 214)
- Section 125 amends s. 984.09(4)(b), F.S.; corrects a cross-reference. (p. 215)
- Section 126 amends s. 984.226(2) and (6), F.S.; corrects cross-references. (pp. 215-216)
- Section 127 amends s. 1003.52(22), F.S.; corrects a cross-reference. (pp. 216-217)
- Section 128 amends s. 1006.08(2), F.S.; corrects a cross-reference. (p. 217)
- Section 129 amends s. 1006.13(5)(a), F.S.; corrects a cross-reference. (pp. 217-218)
- Section 130 amends s. 1012.797(1), F.S.; corrects a cross-reference. (pp. 218-219)
- Section 131 provides an effective date of January 1, 2007. (p. 219)

#### **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:

The DJJ states that the bill's renumbering and reorganization of ch. 985, F.S., will require republication of department forms, policies, manuals, and contracts that contain references to current ch. 985, F.S., sections. The DJJ anticipates that printing and labor costs for such republication will be less than \$5,000. It is also expected that Florida's court system may incur minimal costs for republication. Representatives from the Office of the State Court Administrator have indicated that such costs can be absorbed by existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



## **VIII. Summary of Amendments:**

### **Barcode 300420 by Criminal Justice:**

Deletes an unnecessary reference.

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

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