

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: Criminal Justice Committee

BILL: SB 1748

INTRODUCER: Senator Wise

SUBJECT: Juvenile Justice Chapter Reorganization

DATE: March 9, 2006

REVISED: 03/15/06

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
2.	<u></u>	<u></u>	<u>CF</u>	<u></u>
3.	<u></u>	<u></u>	<u>JU</u>	<u></u>
4.	<u></u>	<u></u>	<u>JA</u>	<u></u>
5.	<u></u>	<u></u>	<u></u>	<u></u>
6.	<u></u>	<u></u>	<u></u>	<u></u>

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 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 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 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 bill; reinstates text that is struck by other sections of 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 bill; strikes text that is reinstated in other sections of 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 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 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 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 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 bill; strikes text that is reinstated in other sections of 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 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 bill; strikes text that is reinstated in other sections of 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 bill; strikes text that is reinstated in other sections of 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 bill; corrects cross-references. (pp. 107-108)

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

Section 49. Creates s. 985.441, F.S.; reinstates text that is struck by other sections of 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 bill; strikes text that is reinstated in other sections of 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 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 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 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 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 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 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 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.

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