

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: SB 2154

INTRODUCER: Criminal Justice Committee

SUBJECT: Juvenile Justice

DATE: March 12, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Pre-meeting
2.			CF	
3.			GO	
4.			JA	
5.				
6.				

I. Summary:

This legislation is the Department of Juvenile Justice’s agency package. In general, the bill provides technical and clarifying changes to numerous sections within the juvenile justice chapter (ch. 985, F.S.) relating to contracting, rule making, information sharing, and background screening by removing obsolete and duplicative language.

The Department of Children and Families (DCF) is added to the list of agencies that the Department of Juvenile Justice (DJJ) is allowed to share confidential information about youth served by both agencies.

The bill conforms the statute to current practice by transferring training duties from the defunct Juvenile Justice Standards and Training Commission to the DJJ.

It also repeals s. 985.61, F.S., relating to the Early Delinquency Intervention Program that is no longer funded in the State budget.

This bill substantially amends the following sections of the Florida Statutes: 985.03, 985.04, 985.494, 985.601, 985.644, 985.66, and 985.721. It also repeals section 985.61 of the Florida Statutes.

II. Present Situation:

Chapter 985, F.S., contains the laws relating to the juvenile justice system. Section 985.04, F.S., provides definitions for this chapter. Currently, there is a definition of “necessary medical treatment” in s. 985.03(38), F.S., but no definition of “ordinary medical care.”

Section 985.601(9)(b)7., F.S., requires the DJJ to adopt rules governing medical attention, health, and comfort items in detention facilities, but there is no such requirement in the rules for providing medical attention in other areas of the continuum of care. The DJJ's general rule making authority is found in s. 985.64, F.S.

Section 985.04, F.S., prescribes the confidentiality of juvenile delinquency information, as well as the exceptions for disclosing such information. Although the statute does not specifically include the DCF in the list of agencies with whom the DJJ can share information, according to the DJJ, it does currently share information concerning youth who are being served by both agencies with the DCF.

Section 985.61, F.S., provides for the establishment of an early delinquency intervention program within the DJJ, contingent upon specific appropriation. Last year, the Governor's budget recommendations included eliminating funding for this program by removing \$1,689,109 from the G/A Contracted Services in the non-residential delinquency budget entity. The Legislature agreed with the recommendation and cut this program from the DJJ's budget (ch. 2006-26, L.O.F.).

Section 985.644, F.S., outlines the DJJ's contracting authority, its personnel standards, and its background screening requirements for providers, employees, volunteers, owners, and operators. There are several duplicative provisions in this section relating to the DJJ's authority to contract with the federal government, its personnel standard requiring good moral character, and its background screening exception for certain volunteers. There are also several obsolete provisions referencing the DCF in this section.

Finally, s. 985.66, F.S., prescribes standards for the DJJ's juvenile justice training academies, creates the Juvenile Justice Standards and Training Commission, and establishes the Juvenile Justice Training Trust Fund. Subsection (9) of this section called for the termination of the Juvenile Justice Standards and Training Commission in June 2001. Since that time, the DJJ has taken over the responsibilities of the Commission in operating its training programs.

III. Effect of Proposed Changes:

The bill primarily provides technical and clarifying changes to numerous sections within ch. 985, F.S., relating to contracting, rule making, information sharing, and background screening by removing obsolete and duplicative language. It also conforms the statute to current practice by transferring training duties from the defunct Juvenile Justice Standards and Training Commission to the DJJ.

Section 1 amends s. 985.03, F.S., to add a definition of "ordinary medical care" to include medical procedures that are done on a routine basis and do not involve hospitalization, surgery, or general anesthesia, and include, but are not limited to inoculations, physical exams, and remedial treatment for minor injuries.

Section 2 amends s. 985.04, F.S., to add the DCF to the list of enumerated entities that the DJJ can share confidential information with concerning a juvenile in its care.

Section 3. amends s. 985.494, F.S., to delete all references to the early delinquency intervention program that is no longer funded in the State budget.

Section 4. amends s. 985.601, F.S., to add language requiring the DJJ to adopt rules creating procedures to provide ordinary medical care, mental health, substance abuse, and developmental disabilities services to youth within the juvenile justice continuum. The bill specifies that these procedures be commensurate with procedures received in the community, to the extent possible within existing fiscal resources, and that they be rendered in accordance with existing state and federal health care statutes, regulations, and rules.

Section 5. amends s. 985.644, F.S., to delete several obsolete provisions relating to the DCF personnel standards and duplicative provisions relating to the DJJ's authority to contract with the federal government and private and state entities.

Section 6. amends s. 985.66, F.S., to delete obsolete references to the Juvenile Justice Standards and Training Commission which was terminated in June 2001 and instead, transfers those training duties to the DJJ.

Section 7. repeals s. 985.61, F.S., relating to the Early Delinquency Intervention Program that is no longer funded in the State budget.

Section 8. amends s. 985.721, F.S., to incorporate a technical conforming cross-reference.

Section 9. provides an effective date of July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.