

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Ch. 985, F.S., addresses Florida's juvenile justice system. Some judges, prosecutors, defense attorneys, and agency personnel have complained that the current organization of the chapter 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.

HB 1915 is technical in nature, and is designed to make the juvenile delinquency statutes more "user-friendly" for all the stakeholders involved: state attorneys, public defenders, children, parents, judges, employees of the Department of Juvenile Justice (DJJ), and private providers of services.¹ "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 thirteen 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 Parent or Guardian
9. Appeal
10. Transfer to Adult Court
11. Department of Juvenile Justice
12. Miscellaneous Crimes
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.

¹ A Subcommittee of the Steering Committee of Families and Children in the Court, comprised of representatives from State Attorney offices, Public Defender offices, the DJJ, the judiciary, and a law school, met in 2003 and 2004 to develop a draft for the reorganization of ch. 985, F.S.

C. SECTION DIRECTORY:

Section 1. Reorganizes heading titles of ch. 985, F.S.

Section 2. Amends s. 985.01, F.S., to change section title.

Section 3. Amends s. 985.02, F.S., to make conforming changes.

Section 4. Renumbers subsections (1) through (6), (8) through (30), (32) through (47), and (49) through (59) of s. 985.03, F.S., as subsections (1) through (56); corrects cross-references; makes conforming changes.

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,

Section 6. Renumbers s. 985.202, F.S., as s. 985.032, F.S.

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 985.72313(3), F.S., unless the court sets a hearing to review the transfer; makes conforming changes.

Section 8. Renumbers s. 985.205, F.S., as s. 985.035, F.S.

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.

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.

Section 11. Renumbers s. 985.2311, F.S., as s. 985.039, F.S.

Section 12. Amends s. 985.04, F.S.; corrects cross-references; makes grammatical clarifications; makes conforming changes.

Section 13. Renumbers s. 985.05, F.S., as s. 985.045, F.S.; corrects cross-references.

Section 14. Renumbers ss. 985.06 and 985.08, F.S., respectively as ss. 985.046 and 985.047, F.S.

Section 15. Renumbers ss. 985.207 and 985.215(3), F.S., as s. 985.101, F.S.; corrects cross-references; makes conforming changes.

Section 16. Renumbers s. 985.2075, F.S., as s. 985.105, F.S.

Section 17. Renumbers s. 985.212, F.S., as s. 985.11, F.S.; corrects cross-references.

Section 18. Renumbers s. 985.211 (1), (2), (5), and (7), F.S., as s. 985.115, F.S.; corrects cross-references; makes conforming changes.

Section 19. Renumbers s. 985.301, F.S., as s. 985.12, F.S.; corrects cross-references.

Section 20. Renumbers s. 985.3065, F.S., as s. 985.125, F.S.

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 conforming changes.

Section 22. Renumbers s. 985.209, F.S., as s. 985.135, F.S.

Section 23. Renumbers s. 985.21(1)(a) and (b) 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 conforming changes.

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.

Section 25. Creates s. 985.15, F.S.; reinstates text that is struck by other sections of bill; corrects cross-references.

Section 26. Renumbers s. 985.303, F.S., as 985.155, F.S.

Section 27. Renumbers s. 985.304, F.S., as s. 985.16, F.S.; corrects cross-references; makes conforming changes.

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

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.

Section 30. Renumbers ss. 985.223 and 985.418, F.S., as ss. 985.19 and 985.195, F.S., respectively.

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 conforming changes.

Section 32. Renumbers s. 985.213(2), F.S., as s. 985.245, F.S.; amends section title; strikes language that is reinstated in other sections of bill; makes conforming changes.

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 conforming changes.

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 conforming changes.

Section 35. Renumbers s. 985.215(5)(a) and (c) through (g) and (7), F.S., as 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 conforming changes.

Section 36. Renumbers ss. 985.215(4), (8), (9), and (11), and 985.213(3), F.S., as 985.265, F.S.; amends section title; corrects cross-references; makes conforming changes.

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.

Section 38. Renumbers s. 985.208, F.S., as 985.275, F.S.; corrects cross-references.

Section 39. Renumbers s. 985.218, F.S., as s. 985.318, F.S.

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.

Section 41. Renumbers s. 985.22, F.S., as 985.325, F.S.; corrects cross-references.

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.

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 conforming changes.

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.

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 grammatical changes; makes conforming changes.

Section 46. Renumbers s. 985.231(1)(a), F.S., as s. 985.435, F.S.; amends section title; makes grammatical changes; 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.

Section 47. Creates s. 985.437, F.S.; reinstates text that is struck by other sections of bill; corrects cross-references.

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

Section 49. Creates s. 985.441, F.S.; reinstates text that is struck by other sections of bill; corrects cross-references.

Section 50. Renumbers s. 985.232, F.S., as 985.442, F.S.

Section 51. Renumbers s. 985.231(1)(j), F.S., as s. 985.445, F.S.; amends section title; corrects cross-references; makes conforming changes.

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

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.

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

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 grammatical changes.

Section 56. Renumbers ss. 985.03(48) 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 conforming changes.

Section 57. Renumbers ss. 985.03(31) and 985.231(3), F.S., as s. 985.475, F.S.; amends section title; amends subsection titles; corrects cross-references; makes conforming changes.

Section 58. Renumbers s. 985.308, F.S., as 985.48, F.S.

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 conforming changes.

Section 60. Renumbers s. 985.312, F.S., as s. 985.486, F.S.; corrects cross-references.

Section 61. Renumbers s. 985.309, F.S., as s. 985.489, F.S.; corrects cross-references.

Section 62. Renumbers s. 985.314, F.S., as s. 985.494, F.S.; corrects cross-references.

Section 63. Creates s. 985.511, F.S.; reinstates text that is struck by other sections of bill; corrects cross-references.

Section 64. Renumbers s. 985.204, F.S., as s. 985.512, F.S.

Section 65. Renumbers s. 985.231(1)(e), F.S., as s. 985.513 F.S.; makes grammatical changes; reinstates text that is struck by other sections of bill; corrects cross-references; makes conforming changes.

Section 66. Creates s. 985.514, F.S.; reinstates text that is struck by other sections of bill; corrects cross-references.

Section 67. Renumbers s. 985.234(1), F.S., as s. 985.534, F.S.; corrects a cross-reference.

Section 68. Renumbers ss. 985.235, and 985.236, F.S., as ss. 985.535, and 985.536, F.S., respectively.

Section 69. Renumbers s. 985.226, F.S., as 985.556, F.S.; amends section and subsection titles; strikes text that is reinstated in other sections of bill; corrects cross-references; makes conforming changes.

Section 70. Renumbers s. 985.227, F.S., as s. 985.557, F.S.; amends section and subsection titles; corrects cross-references; makes conforming changes.

Section 71. Renumbers s. 985.225, F.S., as s. 985.56, F.S.; corrects cross-references.

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 conforming changes.

Section 73. Renumbers s. 985.417, F.S., as s. 985.57, F.S.

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.

Section 75. Renumbers 985.3045, F.S., as s. 985.605, F.S.; corrects cross-references.

Section 76. Renumbers s. 985.3046, F.S., as s. 985.606, F.S.; amends section title; strikes obsolete language; corrects cross-references.

Section 77. Renumbers ss. 985.305 and 985.2066, F.S., as ss. 985.61 and 985.614, F.S., respectively.

Section 78. Renumbers s. 985.315, F.S., as s. 985.618, F.S.; corrects cross-references.

Section 79. Renumbers s. 985.3155, F.S., as s. 985.622, F.S.

- Section 80. Renumbers s. 985.317, F.S., as s. 985.625, F.S.; corrects a cross-reference.
- Section 81. Renumbers s. 985.419, F.S., as s. 985.629, F.S.
- Section 82. Renumbers s. 985.412), F.S., as s. 985.632, F.S.
- Section 83. Renumbers ss. 985.42 and 985.405, F.S., as ss. 985.636 and 985.64, F.S., respectively.
- Section 84. Renumbers ss. 985.01(2) and 985.407(1) through (5), F.S., as s. 985.644, F.S.
- Section 85. Renumbers s. 985.408, F.S., as s. 985.648, F.S.; corrects a cross-reference.
- Section 86. Renumbers s. 985.409, F.S., as s. 985.652, F.S.
- Section 87. Renumbers s. 985.406, F.S., as s. 985.66, F.S.; corrects a cross-reference.
- Section 88. Renumbers s. 985.4135, F.S., as 985.664, F.S.; corrects a cross-reference.
- Section 89. Renumbers ss. 985.416 and 985.4145, F.S., as 985.668 and 985.672, F.S.
- Section 90. Renumbers s. 985.415, F.S., as s. 985.676, F.S.; corrects cross-references.
- Section 91. Renumbers s. 985.403, F.S., as s. 985.68, F.S.
- Section 92. Renumbers s. 985.41, F.S., as s. 985.682, F.S.; corrects a cross-reference.
- Section 93. Renumbers s. 985.2155, F.S., as 95.686, F.S.
- Section 94. Renumbers s. 985.411, F.S., as 985.688, F.S.; corrects cross-references.
- Section 95. Renumbers ss. 985.4075, 985.4041, and 985.4042, F.S., as ss. 985.69, 985.692, and 985.694, F.S.
- Section 96. Renumbers ss. 985.4045 and 985.4046, F.S., as ss. 985.701 and 985.711, F.S.
- Section 97. Renumbers s. 985.3141, F.S., as 985.721, F.S.; corrects a cross-reference.
- Section 98. Renumbers ss. 985.2065, 985.501, 985.502, 985.503, 985.504, 985.505, 985.506, and 985.507, F.S., as ss. 985.731, 985.801, 985.802, 985.803, 985.804, 985.805, 985.805, and 986.807, F.S., respectively.
- Section 99. Repeals ss. 985.215(6), 985.231(1)(b), (c), (f), and (i) and (2) and 985.233(4)(d), F.S.
- Section 100. Amends s. 29.004, F.S.; corrects a cross-reference.
- Section 101. Amends s. 29.008, F.S.; corrects a cross-reference.
- Section 102. Amends s. 253.025(17), F.S.; corrects a cross-reference.
- Section 103. Amends s. 318.21(1), F.S.; corrects a cross-reference.
- Section 104. Amends s. 397.334, F.S.; corrects a cross-reference.
- Section 105. Amends s. 400.953(3), F.S.; corrects a cross-reference.

Section 106. Amends s. 419.001(1)(d), F.S.; corrects a cross-reference.
Section 107. Amends s. 435.04(2)(tt) and (uu); corrects a cross-reference.
Section 108. Amends s. 784.075, F.S.; corrects a cross-reference.
Section 109. Amends s. 790.115(4), F.S.; corrects a cross-reference.
Section 110. Amends s. 790.22(8) and (9), F.S.; corrects a cross-reference.
Section 111. Amends s. 921.0022(3)(c), F.S.; corrects a cross-reference.
Section 112. Amends s. 938.10, F.S.; corrects a cross-reference.
Section 113. Amends s. 943.053(9), F.S.; corrects a cross-reference.
Section 114. Amends s. 943.0582, F.S.; corrects a cross-reference.
Section 115. Amends s. 943.0585(4)(a), F.S.; corrects a cross-reference.
Section 116. Amends s. 943.0059(4)(a), F.S.; corrects a cross-reference.
Section 117. Amends s. 948.51(2), F.S.; corrects a cross-reference.
Section 118. Amends s. 958.046, F.S.; corrects a cross-reference.
Section 119. Amends s. 960.001(1)(b) and (j), F.S.; corrects a cross-reference.
Section 120. Amends s. 984.03(48), F.S.; corrects a cross-reference.
Section 121. Amends s. 984.05, F.S.; corrects a cross-reference.
Section 122. Amends s. 984.09(4)(b), F.S.; corrects a cross-reference.
Section 123. Amends s. 921.226(2) and (6), F.S.; corrects a cross-reference.
Section 124. Amends s. 1003.52(22), F.S.; corrects a cross-reference.
Section 125. Amends s. 1006.08(2), F.S.; corrects a cross-reference.
Section 126. Amends s. 1006.13(5)(a), F.S.; corrects a cross-reference.
Section 127. Amends s. 1012.797(1), F.S.; corrects a cross-reference.
Section 128. Provides that the act takes effect on January 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

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.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES