

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1792

SPONSOR: Senator McKay

SUBJECT: Florida Statutes/Juveniles

DATE: March 8, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill repeals various statutory provisions relating to children in need of services and juvenile delinquency that have become obsolete, have served their purpose, or have been impliedly repealed or superseded.

This bill substantially repeals sections 984.226, 985.303, and 985.307 and amends sections 985.209 and 985.215 of the Florida Statutes

II. Present Situation:

During the 1999-2000 legislative session interim, staff of the House of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete. Upon completion of the first draft, staff of Senate counterpart committees reviewed the work product to further refine the sections identified. The final list of some one thousand original sections of Florida law contained an identification of statutory sections which shared one or more of the following characteristics:

1. A reference to a dormant board, council or other non-governing authority;
2. A provision rendered obsolete due to the passage of time;
3. A requirement which was nonrecurring due to the completion of the activity;
4. A statement of legislative intent, findings or purpose so generalized as to provide no specific interpretive guidance on the context or particularity of the statute or its application;
5. A cross-reference to another section which was otherwise repealed;
6. The use of boilerplate language, such as a severability clause, which is assumed as part of legislative style and drafting or of judicial interpretation;
7. The creation of a short title, or popular name, unrelated to the purpose of the statute;
8. The use of archaic language or descriptions; and
9. A redundancy in text or reference no longer needed.

Several of these provisions were found in chapters 984 and 985, F.S. Specifically, subsection (6) of s. 984.226, F.S., requires the Juvenile Justice Accountability Board (JJAB) to monitor the operation of a pilot program that was established to provide a physically secure facility for Children in Need of Services who were found to be in contempt of court. The subsection required the JJAB to issue a preliminary report to the Legislature by December 1, 1998. The Department of Juvenile Justice (DJJ) and the JJAB were required to issue a joint final report to the Legislature by December 1, 1999. Both reports were completed and submitted to the Legislature.

Subsection (9) of s. 985.303, F.S., provides a severability clause for the section, stating that if any provision of the section is held invalid, the invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application. However, s. 11.2423(1)(h) F.S., addresses severability for all of the Florida Statutes.

Section 985.307, F.S., requires DJJ to establish juvenile assignment centers for committed youth who have been ordered by the court for placement in multi-level risk commitment programs. The section provides that juvenile assignment centers shall be residential facilities servicing committed youth awaiting placement in a residential commitment program.

Section 985.209, F.S., which relates to juvenile assessment centers, and s. 985.215, F.S., which relates to juvenile detention, provide for juvenile assignment center placement of certain youth found to have committed delinquent acts.

III. Effect of Proposed Changes:

Section 1 of the bill repeals subsection (6) of s. 984.226, F.S., which requires the JJAB and the DJJ to submit reports to the Legislature by certain dates. These reports have been completed and submitted to the Legislature. This subsection has served its purpose and is now obsolete.

Section 2 of the bill repeals s. 985.303(9), F.S. The subsection provides a severability clause for this section relating to Neighborhood Restorative Justice Centers. The language is duplicative as s. 11.2423(1)(h), F.S., provides severability for all of the Florida Statutes. The bill repeals a subsection that is unnecessary.

Section 3 of the bill repeals s. 985.307, F.S. The section requires the establishment of juvenile assignment centers by the DJJ to serve committed youth placed by the court in multi-level risk commitment programs. Subsection (6) of s. 985.307, F.S., provides that the section expires July 1, 2000. DJJ reports that the centers have already been closed. The bill repeals a section that has served its purpose and will become obsolete as of July 1, 2000.

Sections 4 and 5 of the bill repeal references to assignment center placement for purposes of conformity.

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:

None.

VIII. Amendments:

None.