

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 767 Department of Juvenile Justice/Rule-Making Authorization
SPONSOR(S): Planas and Robaina
TIED BILLS: **IDEN./SIM. BILLS:** SB 312 (i)

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Juvenile Justice (Sub)		Whittier	De La Paz
2) Public Safety & Crime Prevention			
3)			
4)			
5)			

SUMMARY ANALYSIS

HB 767 directs the Department of Juvenile Justice to adopt a rule establishing a procedure to provide notice of policy changes that affect contracted delinquency services and programs. The bill requires that the procedure include:

1. Public notice of policy development.
2. Opportunity for public comment on the proposed policy.
3. Assessment for fiscal impact upon the department and providers.
4. The department's response to comments received.

The bill further defines policy as an "operational requirement that applies to only the specified contracted delinquency service or program."

The bill appears to have no fiscal impact on state or local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0767.ps.doc
DATE: March 10, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

In accordance with Chapter 120, F.S., departments must have specific statutory rule-making authority in order to adopt administrative rules. The Department of Juvenile Justice (department) currently does not have rule-making authority to promulgate rules regarding procedures for apprising providers of changes in policies that would affect them.

HB 767 directs the department to adopt a rule establishing a procedure to provide notice of policy changes that affect contracted delinquency services and programs. The bill requires that the procedure include:

1. Public notice of policy development.
2. Opportunity for public comment on the proposed policy.
3. Assessment for fiscal impact upon the department and providers.
4. The department's response to comments received.

The bill further defines policy as an "operational requirement that applies to only the specified contracted delinquency service or program."

C. SECTION DIRECTORY:

Section 1: Amends s. 985.407, F.S.; provides rule-making authority for Department of Juvenile Justice.

Section 2: Provides an effective date of July 1, 2003.

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: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: N/A
2. Other: N/A

B. RULE-MAKING AUTHORITY:

HB 767 directs the Department of Juvenile Justice to adopt a rule establishing a procedure to provide notice of policy changes that affect contracted delinquency services and programs.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill was the result of a consensus between the Department of Juvenile Justice, the Florida Juvenile Justice Association, Associated Marine Institutes, and the Windsor Group.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.