

STORAGE NAME: h3007s1z.jj
DATE: May 21, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
JUVENILE JUSTICE
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 3007 (**CHAPTER 98-55**)
RELATING TO: Juvenile substance abuse testing
SPONSOR(S): Committee on Juvenile Justice, Representative Fasano and others
COMPANION BILL(S): HB 3009

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMITTEE ON JUVENILE JUSTICE YEAS 5 NAYS 0
- (2) CRIMINAL JUSTICE APPROPRIATIONS
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

HB 3007 passed in the 1998 Legislative session. See Comments section for bill history.

II. SUMMARY:

CS/HB 3007 amends section 985.231, F.S., to allow the circuit court, during disposition hearings, to order a youth to undergo random substance abuse testing. The testing is done upon a recommendation by the Department of Juvenile Justice (DJJ). The circuit court may also require testing after the disposition if a petition alleging violation of community control or aftercare is filed.

Substance abuse testing cost estimates are indeterminate and insignificant.

The effective date of CS/HB 3007 is the October 1, of the year enacted.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The circuit court has original jurisdiction of judicial proceedings for youth alleged to have committed a delinquent act or violation of law. Section 985.201, Florida Statutes. The powers of disposition granted include the authority to commit or treat an identified substance abuse problem without the consent of the juvenile or his parent's or legal guardian's. In addition, the statutes in no way restrict the circuit court from imposing mandatory substance abuse for youth committed to the DJJ. Section 985.231, Florida Statutes.

B. EFFECT OF PROPOSED CHANGES:

The bill amends s. 985.231, F.S., specifying that a circuit court order a child to submit to random substance abuse testing. The court may do so at the recommendation of the Department of Juvenile Justice at the time of the youth's disposition hearing or following a disposition if a petition is filed alleging a violation of community control or aftercare.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Circuit court judges are not prohibited from requiring substance abuse testing as a part of any youth's disposition plan. But there are no references authorizing such testing. The bill specifically places language allowing mandatory substance abuse testing into Florida Statutes.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

No.

(2) service providers?

No.

(3) government employees/agencies?

D. STATUTE(S) AFFECTED:

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 985.231, F.S., Powers of Disposition in Delinquency Cases. During disposition hearings, the circuit court may order a youth to undergo random substance abuse testing, upon the recommendation of the DJJ. The circuit court may also require testing after the disposition if a petition alleging violation of community control or aftercare is filed.

Section 2. Reenacts s. 985.31 and 985.311, F.S. to incorporate an amendment passed during the November 5, 1997 meeting stating "upon the recommendation of the department at the time of disposition or subsequent to disposition pursuant to the filing of a petition alleging a violation of community control or aftercare, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances."

Section 3. Provides an effective date of October 1, 1998, for those offenses committed on or after the effective date. See Comments Section.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Indeterminate and Insignificant.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

Indeterminate and Insignificant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Indeterminate.

2. Recurring Effects:

Indeterminate.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

VI. COMMENTS:

Section 3. providing an effective date, limits the provisions of this bill to offenses committed after October 1, 1998. To reach those youth already under treatment by DJJ, the bill would have to be amended to strike language allowing the bill to apply “. . . for those offenses committed on or after the effective date. . . “ and allow the provisions of the bill to apply to all youth currently referred to DJJ.

07/08/97 H Prefiled

09/18/97 H Referred to Juvenile Justice (JC); Criminal Justice Appropriations

10/20/97 H On Committee agenda-- Juvenile Justice (JC), 11/05/97, 8:00 am, 317C

11/05/97 H Comm. Action: Unanimously CS by Juvenile Justice (JC)

11/17/97 H Now in Criminal Justice Appropriations

03/03/98 H Introduced, referred to Juvenile Justice (JC); Criminal Justice

Appropriations -HJ 00009; On Committee agenda-- Juvenile Justice (JC), 11/05/97, 8:00 am, 317C; Comm. Action: Unanimously CS by Juvenile Justice (JC) -HJ 00078; CS read first time on 03/03/98-HJ 00073; Now in Criminal Justice Appropriations -HJ 00078

03/12/98 H Withdrawn from Criminal Justice Appropriations -HJ 00169; Pending Consent Calendar -HJ 00169

03/17/98 H Available for Consent Calendar

03/24/98 H Placed on Consent Calendar; Read second and third times -HJ 00329;

CS passed; YEAS 118 NAYS 0 -HJ 00330

03/25/98 S In Messages

04/01/98 S Received, referred to Criminal Justice -SJ 00351

04/15/98 S Withdrawn from Criminal Justice -SJ 00473; Substituted for SB 708

-SJ 00473; Read second time -SJ 00473

04/16/98 S Read third time -SJ 00492; CS passed; YEAS 38 NAYS 0 -SJ 00492;

Immediately certified -SJ 00492

04/16/98 H Ordered enrolled -HJ 00684

04/28/98 Signed by Officers and presented to Governor -HJ 01552

05/14/98 Became Law without Governor's Signature; Chapter No. 98-55

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 3007 originally required juvenile offenders issued civil citations to undergo initial substance abuse testing and random substance abuse testing for a reasonable period of time. Testing included blood and urine testing and breathalyser screening as well as follow-up random substance abuse testing. DJJ was directed to adopt rules for the program under the provisions of the bill.

The original also created s. 985.2125, F.S., requiring mandatory substance abuse testing of children charged with or found to have committed an offense considered a misdemeanor or felony if committed by an adult. Offenders would be required to undergo random substance abuse testing for a reasonable period of time. Screening included blood testing and urine and breathalyser screening. The bill directed DJJ to adopt rules for program operation.

The CS/HB 3007 allows the circuit court, during disposition hearings, to order youth to undergo random substance abuse testing. The testing is done upon a recommendation by the DJJ. The circuit court may also require testing after the disposition if a petition alleging violation of community control or aftercare is filed.

VIII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Legislative Research Director:

Bridget Edmond

Kenneth Winker

FINAL RESEARCH PREPARED BY COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Legislative Research Director:

Bridget Edmond

Kenneth Winker