

By the Committees on Fiscal Policy, Criminal Justice and
Senator Brown-Waite

309-1736-99

1 A bill to be entitled
2 An act relating to statewide drug control;
3 providing definitions; providing legislative
4 intent and findings with respect to the need to
5 address the problem of substance abuse in this
6 state and the development of a state
7 drug-control strategy; creating the Office of
8 Drug Control within the Executive Office of the
9 Governor; providing for the office to be headed
10 by a director appointed by the Governor,
11 subject to Senate confirmation; providing
12 purpose and duties of the Office of Drug
13 Control; requiring the director of the Office
14 of Drug Control to report annually to the
15 Governor and Legislature; creating the
16 Statewide Drug Policy Advisory Council within
17 the Executive Office of the Governor; providing
18 for membership of the advisory council;
19 providing for terms of office; providing for
20 payment of per diem and travel expenses;
21 providing duties of the advisory council;
22 requiring that the advisory council make
23 recommendations to the Governor and Legislature
24 for developing and implementing a state
25 drug-control strategy; requiring that the
26 advisory council make recommendations for
27 funding programs and services; providing other
28 duties of the advisory council; authorizing the
29 chairperson of the advisory council to appoint
30 workgroups; requiring an annual report;
31 amending s. 397.821, F.S., relating to juvenile

1 substance abuse impairment prevention and early
2 intervention councils; conforming provisions to
3 changes made by the act; repealing ss.
4 397.801(1), 397.811(2), F.S., relating to the
5 Statewide Coordinator for Substance Abuse
6 Impairment Prevention and Treatment; providing
7 an appropriation; providing effective dates.
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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Definitions; legislative intent.--

12 (1) As used in this act, the term:

13 (a) "Substance abuse" means the use of any substance
14 if such use is unlawful or if such use is detrimental to the
15 user or to others, but is not unlawful.

16 (b) "Substance-abuse programs and services" or "drug
17 control" applies generally to the broad continuum of
18 prevention, intervention, and treatment initiatives and
19 efforts to limit substance abuse and also includes initiatives
20 and efforts by law enforcement agencies to limit substance
21 abuse.

22 (2) It is the intent of the Legislature to establish
23 and institutionalize a rational process for long-range
24 planning, information gathering, strategic decisionmaking, and
25 funding for the purpose of limiting substance abuse. The
26 Legislature finds that the creation of a state Office of Drug
27 Control and a Statewide Drug Policy Advisory Council affords
28 the best means of establishing and institutionalizing such a
29 process.

30 (3) The Legislature finds that any rational and
31 cost-effective governmental effort to address substance abuse

1 must involve a comprehensive, integrated, and
2 multidisciplinary approach to the problem of substance abuse.

3 (4) The Legislature further finds that because state
4 resources must be available to address an array of state
5 needs, including the funding of drug-control efforts, it is
6 critical that:

7 (a) A state drug-control strategy be developed and
8 implemented;

9 (b) Decisions regarding the funding of substance abuse
10 programs and services be based on the state drug-control
11 strategy;

12 (c) The state drug-control strategy be supported by
13 the latest empirical research and data;

14 (d) The state drug-control strategy require
15 performance-based measurement and accountability;

16 (e) The state drug-control strategy require short-term
17 and long-term objectives;

18 (f) The development and implementation of the state
19 drug-control strategy afford a broad spectrum of the public
20 and private sectors an opportunity to comment and make
21 recommendations; and

22 (g) Because the nature and scope of the
23 substance-abuse problem transcends jurisdictional boundaries
24 of any single government agency, the state drug-control
25 strategy be a comprehensive, integrated, and multidisciplinary
26 response to the problem of substance abuse.

27 Section 2. Office of Drug Control.--

28 (1) The Office of Drug Control is created within the
29 Executive Office of the Governor. The Governor shall appoint a
30 director of the Office of Drug Control, who shall be subject
31 to confirmation by the Senate.

1 (2) The purpose of the Office of Drug Control is to
2 work in collaboration with the Office of Planning and
3 Budgeting to:

4 (a) Coordinate drug-control efforts and enlist the
5 assistance of the public and private sectors in those efforts,
6 including, but not limited to, federal, state, and local
7 agencies.

8 (b) Provide information to the public about the
9 problem of substance abuse and the substance-abuse programs
10 and services that are available.

11 (c) Act as the Governor's liaison with state agencies,
12 other state governments, the federal Office of National Drug
13 Control Policy, federal agencies, and with the public and
14 private sectors on matters that relate to substance abuse.

15 (d) Work to secure funding and other support for the
16 state's drug-control efforts, including, but not limited to,
17 establishing cooperative relationships among state and private
18 agencies.

19 (e) Develop a strategic program and funding initiative
20 that links the separate jurisdictional activities of state
21 agencies with respect to drug control. The office may
22 designate lead and contributing agencies to develop such
23 initiatives.

24 (f) Advise the Governor and the Legislature on
25 substance-abuse trends in this state, the status of current
26 substance-abuse programs and services, the funding of those
27 programs and services, and the status of the Office of Drug
28 Control in developing and implementing the state drug-control
29 strategy.

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1 (g) Make recommendations to the Governor on measures
2 that the director considers advisable for the effective
3 implementation of the state drug-control strategy.

4 (3) On or before December 1 of each year, the director
5 of the Office of Drug Control shall report to the Governor and
6 the Legislature on the information and recommendations
7 required under paragraphs (2)(f) and (g).

8 Section 3. Statewide Drug Policy Advisory Council.--

9 (1)(a) The Statewide Drug Policy Advisory Council is
10 created within the Executive Office of the Governor. The
11 director of the Office of Drug Control shall be a nonvoting,
12 ex officio member of the advisory council and shall act as
13 chairperson. The director of the Office of Planning and
14 Budgeting shall be a nonvoting, ex officio member of the
15 advisory council. The Office of Drug Control and the Office of
16 Planning and Budgeting shall provide staff support for the
17 advisory council.

18 (b) The following state officials shall be appointed
19 to serve on the advisory council:

20 1. The Attorney General, or his or her designee.

21 2. The executive director of the Department of Law
22 Enforcement, or his or her designee.

23 3. The Secretary of Children and Family Services, or
24 his or her designee.

25 4. The Secretary of Health, or his or her designee.

26 5. The Secretary of Corrections, or his or her
27 designee.

28 6. The Secretary of Juvenile Justice, or his or her
29 designee.

30 7. The Commissioner of Education, or his or her
31 designee.

1 8. The executive director of the Department of Highway
2 Safety and Motor Vehicles, or his or her designee.

3 9. The Adjutant General of the state as the Chief of
4 the Department of Military Affairs, or his or her designee.

5 (c) In addition, the Governor shall appoint 11 members
6 of the public to serve on the advisory council. Of the 11
7 appointed members, one member must have professional or
8 occupational expertise in drug enforcement, one member must
9 have professional or occupational expertise in substance-abuse
10 prevention, and one member must have professional or
11 occupational expertise in substance-abuse treatment. The
12 remainder of the members appointed should have professional or
13 occupational expertise in, or be generally knowledgeable
14 about, issues that relate to drug enforcement and
15 substance-abuse programs and services. The members appointed
16 by the Governor must, to the extent possible, equitably
17 represent all geographic areas of the state.

18 (d) The President of the Senate shall appoint a member
19 of the Senate to the advisory council and the Speaker of the
20 House of Representatives shall appoint a member of the House
21 of Representatives to the advisory council.

22 (e) The Chief Justice of the Supreme Court shall
23 appoint a member of the judiciary to the advisory council.

24 (f) Members appointed by the Governor, the President
25 of the Senate, the Speaker of the House of Representatives,
26 and the Chief Justice shall be appointed to terms of 4 years
27 each. However, for the purpose of providing staggered terms,
28 of the Governor's initial appointments, five members shall be
29 appointed to 2-year terms and six members shall be appointed
30 to 4-year terms.

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1 (2)(a) Any vacancy on the advisory council shall be
2 filled in the same manner as the original appointment, and any
3 member appointed to fill a vacancy occurring because of death,
4 resignation, or ineligibility for membership shall serve only
5 for the unexpired term of the member's predecessor. A member
6 is eligible for reappointment.

7 (b) Members of the advisory council and members of
8 workgroups appointed under subsection (4) shall serve without
9 compensation, but are entitled to reimbursement for per diem
10 and travel expenses as provided in section 112.061, Florida
11 Statutes.

12 (c) The advisory council shall meet at least quarterly
13 or upon the call of the chairperson.

14 (3) The advisory council shall:

15 (a) Conduct a comprehensive analysis of the problem of
16 substance abuse in this state and make recommendations to the
17 Governor and Legislature for developing and implementing a
18 state drug-control strategy. The advisory council shall
19 determine the most effective means of establishing clear and
20 meaningful lines of communication between the advisory council
21 and the public and private sectors in order to ensure that the
22 process of developing and implementing the state drug-control
23 strategy has afforded a broad spectrum of the public and
24 private sectors an opportunity to comment and make
25 recommendations.

26 (b) Review and make recommendations to the Governor
27 and Legislature on funding substance-abuse programs and
28 services, consistent with the state drug-control strategy, as
29 developed. The council may recommend the creation of a
30 separate appropriations category for funding services
31 delivered or procured by state agencies and may recommend the

1 use of performance-based contracting as provided in section
2 414.065, Florida Statutes.

3 (c) Review various substance-abuse programs and
4 recommend, where needed, measures that are sufficient to
5 determine program outcomes. The council shall review different
6 methodologies for evaluating programs and determine whether
7 programs within different agencies have common outcomes. The
8 methodologies shall be consistent with those established under
9 section 216.0166, Florida Statutes.

10 (d) Review the drug-control strategies and programs
11 of, and efforts by, other states and the Federal Government
12 and compile the relevant research.

13 (e) Recommend to the Governor and Legislature applied
14 research projects that would use research capabilities within
15 the state, including, but not limited to, the resources of the
16 State University System, for the purpose of achieving improved
17 outcomes and making better-informed strategic budgetary
18 decisions.

19 (f) Recommend to the Governor and Legislature changes
20 in law which would remove barriers to or enhance the
21 implementation of the state drug-control strategy.

22 (g) Make recommendations to the Governor and the
23 Legislature on the need for public information campaigns to be
24 conducted in the state to limit substance abuse.

25 (h) Ensure that there is a coordinated, integrated,
26 and multidisciplinary response to the substance-abuse problem
27 in this state, with special attention given to creating
28 partnerships within and between the public and private
29 sectors, and to the coordinated, supported, and integrated
30 delivery of multiple-system services for substance abusers,
31 including a multiagency team approach to service delivery.

1 (i) Assist communities and families in pooling their
2 knowledge and experiences with respect to the problem of
3 substance abuse. Forums for exchanging ideas, experiences, and
4 practical information, as well as instruction, should be
5 considered. For communities, such instruction may involve
6 issues of funding, staffing, training, and neighborhood and
7 parental involvement, and instruction on other issues. For
8 families, such instruction may involve practical strategies
9 for addressing family substance abuse; improving cognitive,
10 communication, and decisionmaking skills; providing parents
11 with techniques for resolving conflicts, communicating, and
12 cultivating meaningful relationships with their children and
13 establishing guidelines for their children; educating families
14 about drug-free programs and activities in which they may
15 serve as participants and planners; and other programs of
16 similar instruction. To maximize the effectiveness of such
17 forums, multiple agencies should participate.

18 (4)(a) The chairperson of the advisory council shall
19 appoint workgroups that include members of state agencies that
20 are not represented on the advisory council and shall solicit
21 input and recommendations from those state agencies. In
22 addition, the chairperson may appoint workgroups as necessary
23 from among the members of the advisory council in order to
24 efficiently address specific issues. A representative of a
25 state agency appointed to any workgroup shall be the head of
26 the agency, or his or her designee. The chairperson may
27 designate lead and contributing agencies within a workgroup.

28 (b) The advisory council shall submit a report to the
29 Governor, the President of the Senate, and the Speaker of the
30 House of Representatives by December 1 of each year which
31 contains a summary of the work of the council during that year

1 and the recommendations required under subsection (3). Interim
2 reports may be submitted at the discretion of the chairperson
3 of the advisory council.

4 Section 4. Subsection (3) of section 397.821, Florida
5 Statutes, is amended to read:

6 397.821 Juvenile substance abuse impairment prevention
7 and early intervention councils.--

8 (3) The council shall provide recommendations to ~~the~~
9 ~~Statewide Coordinator for Substance Abuse Impairment~~
10 ~~Prevention and Treatment and to~~ the Assistant Secretary for
11 Alcohol, Drug Abuse, and Mental Health annually for
12 consideration for inclusion in ~~the state comprehensive plan~~
13 ~~for substance abuse impairment, and also to~~ the district
14 alcohol, drug abuse, and mental health planning councils for
15 consideration for inclusion in the district alcohol, drug
16 abuse, and mental health plans.

17 Section 5. Subsection (1) of section 397.801, Florida
18 Statutes, and subsection (2) of section 397.811, Florida
19 Statutes, are repealed.

20 Section 6. Effective July 1, 1999, there is hereby
21 appropriated to the Executive Office of the Governor, 3
22 full-time-equivalent positions and \$270,333 from recurring
23 General Revenue, and \$14,539 from nonrecurring General
24 Revenue, in lump sum to implement the provisions of this act.

25 Section 7. Except as otherwise provided in this act,
26 this act shall take effect upon becoming a law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for SB 1468

Appropriates 3 FTE from General Revenue to implement the provisions of this act.

Provides that the effective date of the bill is upon becoming a law except for the appropriation which is effective July 1, 1999.