

1989

Session Law 89-172

Florida Senate & House of Representatives

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S 374 GENERAL BILL/CS/1ST ENG by Education; Johnson (Similar CS/H 206)

Drug Abuse Resistance Education/DARE; creates Drug Abuse Resistance Education Program; provides duties of Law Enforcement Dept., Education Dept., local law enforcement agencies, & school districts; provides application requirements; provides eligibility for funding; creates board of directors for program & provides duties; provides for evaluation. Effective Date: 07/01/89.

03/07/89 SENATE Prefiled

03/24/89 SENATE Referred to Education; Judiciary-Criminal; Appropriations

04/04/89 SENATE Introduced, referred to Education; Judiciary-Criminal; Appropriations -SJ 38

04/14/89 SENATE Extension of time granted Committee Education

04/28/89 SENATE Extension of time granted Committee Education

05/08/89 SENATE On Committee agenda—Education, 05/10/89, 2:30 pm, Room-A-(LL-37)

05/10/89 SENATE Comm. Report: CS by Education -SJ 355

05/12/89 SENATE CS read first time -SJ 358; Now in Judiciary-Criminal -SJ 355; On Committee agenda—Judiciary-Criminal, 05/15/89, 2:00 pm, Room-2C-(301)

05/15/89 SENATE Comm. Report: Favorable with 3 amendment(s) by Judiciary-Criminal -SJ 354

05/16/89 SENATE Now in Appropriations -SJ 354

05/18/89 SENATE Extension of time granted Committee Appropriations

05/31/89 SENATE Withdrawn from Appropriations -SJ 629; Placed on Calendar

06/02/89 SENATE Placed on Special Order Calendar -SJ 863; CS passed as amended; YEAS 36 NAYS 0 -SJ 945

06/02/89 HOUSE In Messages

06/03/89 HOUSE Received, placed on Calendar; Read second time; Read third time; CS passed; YEAS 103 NAYS 8 -HJ 1553

06/03/89 Ordered enrolled -SJ 1406

06/20/89 Signed by Officers and presented to Governor

06/27/89 Approved by Governor; Chapter No. 89-172

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: May 15, 1989BILL NO. CS/SB 374DATE: May 12, 1989Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Harkey</u>	<u>O'Farrell</u>	1. <u>ED</u>	<u>Fav/CS</u>
2. <u>Rudolph</u> <i>RR</i>	<u>Liepshutz</u> /	2. <u>JCR</u>	<u>Fav/3 amend.</u>
3. _____	_____	3. <u>AP</u>	_____
4. _____	_____	4. _____	_____

SUBJECT:

DARE Act

BILL NO. AND SPONSOR:

CS/SB 374 by
Committee on Education and
Senator JohnsonI. SUMMARY:

A. Present Situation:

Section 233.067, F.S., 1988 Supplement, the Comprehensive Health Education and Substance Abuse Prevention Act, requires instruction in substance abuse prevention in kindergarten through grade 12. All 67 school districts have implemented Drug Free Schools programs using federal funds allocated for that purpose.

The Department of Education's Prevention Center conducted a 1988 survey of Florida students regarding their use of alcohol and drugs. Fifty-seven percent of middle school students and 78 percent of high school students reported using some form of alcohol within the last year. Middle school students reported taking drugs other than alcohol at the same frequency as high school users. The Prevention Center staff concluded that substance abuse education should be strengthened in elementary school in order to prevent use of drugs and alcohol by middle school students.

The Drug Abuse Resistance Education (D.A.R.E.) program teaches decision-making skills, building self-esteem, resistance of negative peer pressure, and alternatives to drug use. Five Florida cities have been pilot sites for the program which employs specially trained police officers as teachers.

B. Effect of Proposed Changes:

The bill would create the Drug Abuse Resistance Education (D.A.R.E.) Act to provide financial and technical assistance to the Departments of Law Enforcement and Education, local law enforcement agencies, and local school districts for the prevention of drug and alcohol use among school age children. School districts and law enforcement agencies would cooperate in the implementation of the copyrighted Drug Abuse Resistance Education (D.A.R.E.) program in elementary schools.

Local law enforcement agencies could apply to the Department of Law Enforcement for D.A.R.E. program training for officers. In order to be eligible for funding, a law enforcement agency, with the approval of the school district, would have to assure the following:

1. The law enforcement agency and the school district would implement the D.A.R.E. program in its entirety;
2. The program would be given in the exit grade of elementary school and in other grades as appropriate;
3. Each trained officer would teach in an elementary school in the semester following D.A.R.E. program training;

4. Local resources would have to be committed to make sure the program continued;
5. Classroom teachers would participate in an orientation session to become familiar with the concepts of the D.A.R.E. program; and
6. Funds for the program would not supplant local funds that would be used to suppress and prevent drug and alcohol use among school-age children.

The bill would create the 9-member Drug Abuse Resistance Education (D.A.R.E.) Board of Directors comprised of the executive director of the Department of Law Enforcement, the Commissioner of Education, the executive director of the Florida Sheriffs Association, the executive director of the Florida Police Chiefs Association, the president of the Florida Teaching Profession-National Education Association, the president of the Florida Education Association/United, the executive director of the Florida School Boards Association, the executive director of the Florida Alcohol and Drug Abuse Association, and the president of the Parent Teachers Association.

Local law enforcement agencies in cooperation with local school boards would have to submit an annual evaluation to the D.A.R.E. Board of Directors. The D.A.R.E. board, in consultation with the Departments of Law Enforcement and Education, would issue administrative guidelines and procedures for the program. After one year of program operation, the D.A.R.E. board, in consultation with the DOE and FDLE, would submit a program evaluation and fiscal analysis to the Legislature.

The Departments of Law Enforcement and Education would have to coordinate the program with other state and federal D.A.R.E. programs.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The bill appropriates \$280,339 from the the Department of Education's portion of the Drug Free Schools and Communities Act of 1986 discretionary funds for statewide programs and \$179,125 from the Governor's portion of the Drug Free Schools and Communities Act of 1986 discretionary funds to the Department of Education to contract with the Department of Law Enforcement.

III. COMMENTS:

None.

IV. AMENDMENTS:

#1 by Judiciary-Criminal:
Technical

#2 by Judiciary-Criminal:
Increases the number of D.A.R.E. Board of Directors to ten.

#3 by Judiciary-Criminal:
Adds the secretary of the Department of Business Regulation or his designated appointee to the D.A.R.E. Board of Directors.

SENATE COMMITTEE AMENDMENT

CS/SB 374

No. 1
(reported favorably)

HB _____

The Committee on..Judiciary-Criminal..recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Senate Amendment

On page4....., line20....., strike the word "United"

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No	Yes
			-	

and insert:

United,

CODING: Words stricken are deletions; words underlined are additions.

* Amendment No. 1, taken up by committee: 5/15/89 Adopted x *
* Offered by Senator Johnson Failed _ *

(Amendment No. _____ Adopted ___ Failed ___ Date ___/___/___)

SENATE COMMITTEE AMENDMENT

CS/SB 374

No. 2
(reported favorably)

HB _____

The Committee on..Judiciary-Criminal..recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Senate Amendment

On page 4....., line 11....., strike
the word "nine"

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	Yes	No
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and insert:
ten

CODING: Words stricken are deletions; words underlined are additions.

* Amendment No. 2, taken up by committee: 5/15/89 Adopted x *
* Offered by Senator Johnson Failed _ *

(Amendment No. _____ Adopted ___ Failed ___ Date __/__/__)

SENATE COMMITTEE AMENDMENT

CS/SB 374

No. 3
(reported favorably)

HB _____

The Committee on..Judiciary-Criminal..recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Senate Amendment

On page 4....., lines 24-26...., strike all of said lines

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No	Yes
			-	

and insert:

Drug Abuse Association, or his designated appointee; the president of the Parent Teachers Association, or his designated appointee; and the secretary of the Department of Business Regulation, or his designated appointee. Board members shall be reimbursed for

CODING: Words stricken are deletions; words underlined are additions.

 * Amendment No. 3, taken up by committee: 5/15/89 Adopted x *
 * Offered by Senator Johnson Failed _ *

 (Amendment No. _____ Adopted ___ Failed ___ Date __/__/__)

STORAGE NAME: HB 206.F
DATE: June 13, 1989

AS PASSED BY THE 1989 LEGISLATURE

HOUSE OF REPRESENTATIVES
COMMITTEE ON CHILDREN AND YOUTH
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 206 (passed as CS/SB 374)

RELATING TO: D.A.R.E. (Drug Abuse Resistance Education)

SPONSOR(S): Committee on Children & Youth and Representative Hanson

EFFECTIVE DATE: July 1, 1989, or upon becoming law.

DATE BECAME LAW: June 27, 1989

CHAPTER NUMBER: 89-172, Laws of Florida

COMPANION BILL(S): Similar CS/SB 374

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2) _____

I. SUMMARY:

A. PRESENT SITUATION:

A 1988 study conducted by the Department of Education (DOE) and the Florida Alcohol and Drug Abuse Association (FADAA) concluded that, overall, Florida's drug abuse prevention services are fragmented and lack coordination.

In April 1988, DOE and Florida Department of Law Enforcement (FDLE) cooperatively arranged to develop or locate a standardized comprehensive substance abuse program for statewide use in Florida schools.

Between May and August of 1988, an in-depth review of the copyrighted D.A.R.E. Program was conducted by DOE and FDLE. D.A.R.E. stands for Drug Abuse Resistance Education. Convinced of the program's proven effectiveness in other states, Project D.A.R.E. gained endorsements from DOE, FDLE, the Florida Police Chief's Association and the Florida Sheriff's Association.

In 1988, the Boca Raton Police Department in Palm Beach County was the first to offer D.A.R.E. program instructor training to 59 officers representing 24 departments. The tuition costs for the classes (i.e. including travel, and materials) were payed by a local service organization.

FDLE has established D.A.R.E. pilot sites, each with a D.A.R.E. Coordinator, in Daytona Beach, Gainesville, Miami, Sarasota, and Tallahassee. The cost of \$9,932 to FDLE to do this has come from the department's Forfeiture and

Investigative Support Trust Fund.

In July 1989, FDLE and DOE will offer training classes to Florida officers at four sites around the state. The funding will come from local law enforcement agencies and and local service organizations.

B. EFFECT OF PROPOSED CHANGES:

This bill allows funding to be given to local law enforcement agencies and school districts for initial costs of D.A.R.E. training programs and materials. Monies are provided to these local agencies until they secure local resources for continuation costs.

This bill provides an incentive to local school districts and law enforcement agencies to implement the D.A.R.E. program. This fosters interagency coordination in the administering of substance abuse prevention services..

C. SECTION-BY-SECTION ANALYSIS:

Section 1:

Provides a short title for the act.

Section 2:

Provides a statement of intent.

Section 3:

1. Creates the Drug Abuse Resistance Education Program to be implemented in the public elementary schools on a voluntary basis.
2. Authorizes FDLE, in consultation with the D.A.R.E. Board of Directors, to utilize appropriated funds only for training programs and materials to local law enforcement agencies and school districts.
3. Requires an application to be completed by a local law enforcement agency for D.A.R.E. Program training of officers. Requires the application to be approved by both the local school district and the D.A.R.E. Board of Directors, and then submitted to FDLE.
4. Establishes priority to applicants that propose matching funds or joint funding from public or private sources.
5. Requires that applicants perform the following activities to be eligible for funding:

- implementing the copyrighted D.A.R.E. Program in its entirety,
- administering the D.A.R.E. Program in the exit grade of the elementary school,
- having the trained D.A.R.E. Program officer teach in at least one elementary school upon his immediate graduation of training,
- committing to secure local resources to ensure the program will continue,
- having classroom teachers participate in an orientation session, and
- assuring that funds disbursed under this program do not supplant potential local funds.

6. Requires each local law enforcement agency in cooperation with the local school district to submit an annual evaluation to the D.A.R.E. Board of Directors.
7. Requires DOE and FDLE to coordinate the administration of the D.A.R.E. Program with administrations of other state and federal agencies.
8. Requires the D.A.R.E. Board of Directors, DOE and FDLE to jointly prepare D.A.R.E. Program administrative guidelines.
9. Requires the D.A.R.E. Board of Directors, DOE and FDLE to submit to the legislature an evaluation and fiscal analysis of the D.A.R.E. Program after one year of operation.

Section 4:

Creates a D.A.R.E. Board of Directors consisting of nine residents of the state.

Section 5:

Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

Boca Raton Police Department estimates that it costs

\$250 per police officer to train to become D.A.R.E. instructors. It's not known how many police officers may receive training in a year.

3. Long Run Effects Other Than Normal Growth:

In compliance with Section (3)(d) in the bill, participant law enforcement agencies and school districts must eventually secure local resources to supplant the state money allocated for their D.A.R.E. Program costs. Therefore, in the long run, the fiscal impact on state funds should be reduced.

4. Appropriations Consequences:

The amount of funding needed to implement this program is indeterminate since it is not known how many departments will train officers and how many officers will be trained. The cost can be projected to be low since this program only pays for D.A.R.E. training programs and materials.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

Local government monies may be a potential resource for the D.A.R.E. Program to secure a portion of its funding.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Funding to supplant state monies for D.A.R.E. Program costs will derive from local resources such as service organizations, business partnerships, local government.

2. Direct Private Sector Benefits:

D.A.R.E. instructors relate to students in a role other than that of law enforcement, and therefore, develop a rapport with students that promotes positive attitudes

toward the police and greater respect for the law.

Research shows drug use to be significantly associated with criminal acts. Youth who learn to resist drug use may be less inclined to commit criminal acts which will benefit the community (e.g. less property crime).

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

Youth who use drugs are at-risk students for dropout. Youth who learn to resist drug use are more likely to complete school and be eligible to participate in the employment market.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

A recent report by the Commission on Organized Crime concludes that the only way to significantly reduce the drug problem is through eliminating the demand for drugs. The D.A.R.E. Program seeks to reduce the demand for drugs through preventive components (e.g. learned social skills to resist peer pressure).

IV. COMMENTS:

The D.A.R.E. Program would not replace already existing substance abuse prevention programs. Rather, this bill would institute the program where there is an absence of a comprehensive substance abuse prevention program.

Section 232.246 (10), F.S., mandates school districts to teach Life Management Skills which include substance abuse curriculum. The D.A.R.E. Program would be implemented in a school district as a complementary program to the already existent substance abuse curriculum. Also, the D.A.R.E. Program would comply with the requirements of Section 233.067(4), F.S., relating to substance abuse prevention in grades K to 12.

In October 1988, DOE Commissioner Betty Castor formally endorsed the concept of the D.A.R.E. Program and its statewide implementation. However, DOE states that the program can be implemented without legislation and raises the following points:

1. A D.A.R.E. Board of Directors already exists. The membership includes 6 law enforcement representatives and 1 education representative. The bill requires the board to consist of 3 law enforcement representatives, 5 education representatives and 1 mental health

representative.

2. In the bill, Section 3(6) calls for administrative guidelines to be prepared. DOE suggests this language should be deleted because administrative guidelines require flexibility to adapt to system changes, and the language would require amendments over time.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:



Valina LaBarge

Staff Director:



Richard Herring

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:
