

1989

Session Law 89-336

Florida Senate & House of Representatives

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H 1326 GENERAL BILL/1ST ENG by Health & Rehabilitative Services; Press; Holzendorf; Graber (Compare CS/H 934, 1ST ENG/H 961, 1ST ENG/S 255, 1ST ENG/S 675, S 716, CS/S 828, CS/S 1428)

Juvenile Substance Abuse Prevention; authorizes circuit courts to appoint masters to preside over hearings for commitment of such persons to treatment resources; creates "Juvenile Substance Abuse Prevention Act of 1989"; provides for establishment or designation of juvenile substance abuse prevention & early intervention councils; provides membership, purpose, & contractual authority, etc. Amends 396.102, 397.052; creates 401.445, 396.1816, 397.215. Effective Date: 07/05/89.

03/24/89 HOUSE Prefiled
 03/27/89 HOUSE Referred to Children & Youth; Appropriations
 04/04/89 HOUSE Introduced, referred to Children & Youth; Appropriations -HJ 127
 04/11/89 HOUSE On subcommittee agenda—Children & Youth, 04/13/89, 8:00 am, 217-HOB
 04/13/89 HOUSE Subcommittee Recommendation: Favorable
 04/17/89 HOUSE On Committee agenda—Children & Youth, 04/19/89, 8:30 am, 212-HOB
 04/19/89 HOUSE Preliminary Committee Action by Children & Youth: Favorable
 04/25/89 HOUSE Comm. Report: Favorable by Children & Youth -HJ 274; Now in Appropriations -HJ 274
 05/22/89 HOUSE Withdrawn from Appropriations -HJ 556; Placed on Calendar
 05/24/89 HOUSE Placed on Special Order Calendar; Read second time; Read third time; Passed; YEAS 107 NAYS 0 -HJ 625
 05/24/89 SENATE In Messages
 05/29/89 SENATE Received, referred to Judiciary-Civil; Health and Rehabilitative Services; Appropriations -SJ 497
 05/31/89 SENATE Withdrawn from Judiciary-Civil; Health and Rehabilitative Services -SJ 670; Now in Appropriations
 06/01/89 SENATE Withdrawn from Appropriations -SJ 687; Placed on Special Order Calendar -SJ 686 & -SJ 827; Substituted for SB 716 -SJ 859; Passed as amended; YEAS 36 NAYS 0 -SJ 860
 06/01/89 HOUSE In Messages
 06/02/89 HOUSE Refused to concur in amendments totaling 3; Concurred in amendments totaling 2; Passed as amended; YEAS 113 NAYS 0 -HJ 1372
 06/02/89 SENATE In Messages; Receded; Passed as amended; YEAS 33 NAYS 0 -SJ 1271
 06/02/89 Ordered engrossed, then enrolled
 06/20/89 Signed by Officers and presented to Governor
 07/05/89 Approved by Governor; Chapter No. 89-336; See also: SB 255 (Ch. 89-275) & SB 675 (Ch. ~~89-283~~)

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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.

STORAGE NAME: H1326.YO.F
DATE: June 20, 1989

AS PASSED BY THE 1989 LEGISLATURE

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

BILL #: HB 1326
RELATING TO: Juvenile Substance Abuse Prevention
SPONSOR(S): House HRS Committee
EFFECTIVE DATE: July 1, 1989
DATE BECAME LAW: July 5, 1989
CHAPTER NUMBER: 89-336, Laws of Florida
COMPANION BILL(S): Similar to SB 716
OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

A. PRESENT SITUATION:

Substance abusing youth are identified and referred for services through a variety of sources, including school systems, courts, juvenile commitment programs, HRS workers, physicians and families. Once these adolescents are identified, there is usually a lack of community based services to respond to their needs. The number of substance abusing youth continues to grow. During FY 1987-88, 1,991 clients under the age of 18 years were admitted for drug abuse treatment. Marijuana use accounted for 51.9% of these admissions, while 30.7% of the minors were admitted for cocaine abuse. School systems in Florida identify student drug and alcohol use as their number one problem. In Florida, the average age of first drug use is 11.9 years. These youthful drug abusers experience many other problems related to their drug use, such as teenage pregnancy, teenage suicide, emotional and behavioral problems and involvement in other illegal activities.

The statutory basis for alcohol, drug abuse and mental health programs is provided in Chapters 396, 397, and 394, F.S., respectively. Chapter 394, F.S., requires that the Department of Health and Rehabilitative Services prepare a biennial state plan for the delivery and financing of a system for alcohol, drug abuse and mental health services. It specifies the contents of the plan, including the need for alcohol, drug abuse and mental health services. In addition, Chapter 394, F.S., requires a biennial district plan to reflect the state priorities and the

needs of the district. This district alcohol, drug abuse and mental health plan is to be prepared by the district alcohol, drug abuse and mental health planning council. This council consists of 20 representatives from the service areas within the HRS district.

Chapters 396 and 397, F.S., require that the Statewide Coordinator for Substance Abuse Prevention and Treatment, who reports directly to the Governor, develop an annual state comprehensive plan for the war on substance abuse, which describes the problem, provides data on underserved populations and makes recommendations.

B. EFFECT OF PROPOSED CHANGES:

House Bill 1326 creates intent language in two chapters of law, Chapters 396 and 397, F.S., to recognize that juvenile substance abuse is a problem which needs immediate attention and needs the investment of resources. It further recognizes the need for a special section in the state plan which is devoted specifically to juvenile substance abuse prevention and the need for cooperative agreements between counties and the public and private sector.

This bill allows each judicial circuit to establish a Juvenile Substance Abuse Prevention and Early Intervention Council to identify the needs of the local communities in the area of substance abuse prevention and early intervention, to identify priorities for programs and services and to develop recommendations to address the identified needs.

The bill requires that these councils submit copies of their recommendations to the Statewide Coordinator for Substance Abuse Prevention and Treatment and the HRS Assistant Secretary for Alcohol, Drug Abuse and Mental Health for possible incorporation in the state plans. Further, these recommendations must be submitted to the HRS district alcohol, drug abuse and mental health planning council for inclusion in the district's plan. This council is to have broad community representation, with 6 members appointed by the chief judge of the judicial circuit and 6 members appointed by the HRS district administrator.

This legislation allows those circuits which already have a council of similar composition to use that council to perform the functions of the Juvenile Substance Abuse Prevention and Early Intervention Council.

The effective date for this bill is July 1, 1989.

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:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

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

Travel reimbursement is not provided for in the bill. Therefore local governments may incur costs for travel associated with the Council meetings.

2. Recurring or Annualized Continuation Effects:

See above comments.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

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

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

This bill should have a positive impact on substance abusing youth if positive alternatives to substance abuse are recommended and funded.

This legislation is consistent with the State Comprehensive Plan, s. 187.210(2), F.S., in its attempt to provide effective services to children with substance abuse problems.

IV. COMMENTS:

The extent to which the Juvenile Substance Abuse Prevention and Early Intervention Councils would overlap or duplicate the activities of the Alcohol, Drug Abuse and Mental Health Planning Councils is unclear. However, the bill does allow for the Alcohol, Drug Abuse and Mental Health Planning Council to be designated as the Juvenile Substance Abuse Prevention and Early Intervention Council, if the membership requirements are met.

HB 1326 is also consistent with the Children and Youth Committee's mission and House policy (Human Resource Development - V. Substance Abuse) in its efforts to provide rehabilitation services to children in need of them.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:
__Lillie Bogan/sg__

Staff Director:
__Judy C. Justice__

SECOND COMMITTEE OF REFERENCE:

Prepared by:
Karen E Mann
Karen Mann, Staff Analyst

Staff Director:
Richard Herring
Richard Herring

APPROPRIATIONS:

Prepared by:

Staff Director:

****AS PASSED BY THE 1989 LEGISLATURE****

STORAGE NAME: H1326f.HRS\LB\sg
DATE: June 12, 1989

**HOUSE OF REPRESENTATIVES
COMMITTEE ON HEALTH & REHABILITATIVE SERVICES
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1326
RELATING TO: Juvenile Substance Abuse Prevention
SPONSOR(S): House HRS Committee
EFFECTIVE DATE: July 1, 1989
DATE BECAME LAW: July 5, 1989
CHAPTER #: 89-336, Laws of Florida
COMPANION BILL(S): SB 716
OTHER COMMITTEES OF REFERENCE: (1) Youth
(2) Appropriations

I. SUMMARY:

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A. PRESENT SITUATION:

Chapters 396 and 397, Florida Statutes, provide the statutory basis for alcohol and drug abuse programs and services, respectively. These statutes set out the procedures for the involuntary treatment of persons who are alcoholic or drug dependent. Current law does not allow for a master to preside over the hearings for involuntary treatment.

Substance abusing youth are identified and referred for services through a variety of sources, including school systems, courts, juvenile commitment programs, HRS workers, physicians and families. Once identified, there is usually a lack of community based services to respond to the needs of the adolescent. The number of substance abusing youth continues to grow. During FY 1987-88, 1,991 clients under the age of 18 years were admitted for drug abuse treatment. Marijuana use accounted for 51.9% of these admissions, while 30.7% of the minors were admitted for cocaine abuse. School systems in Florida identify student drug and alcohol use as their number one problem. In Florida, the average age of first drug use is 11.9 years. These youthful drug abusers experience many other problems related to their drug use, such as teenage pregnancy, teenage suicide, emotional and behavioral problems, as well as involvement in other illegal activities.

Currently, the statutory basis for alcohol, drug abuse and mental

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DATE: June 12, 1989

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health is provided in Chapters 396, 397, and 394, Florida Statutes, respectively. Chapter 394, F.S., requires that the Department of Health and Rehabilitative Services prepare a biennial state plan for the delivery and financing of a system for alcohol, drug abuse and mental health services. It specifies the contents of the plan, including the need for alcohol, drug abuse and mental health services. In addition, Chapter 394, F.S., requires a biennial district plan to reflect the state priorities and the needs of the district. This district alcohol, drug abuse and mental health plan is to be prepared by the district alcohol, drug abuse and mental health planning council. This council consists of 20 representatives from the service areas within the HRS district.

Further, Chapters 396 and 397, Florida Statutes, require that the Statewide Coordinator for Substance Abuse Prevention and Treatment, who reports directly to the Governor, develop an annual state comprehensive plan for the war on substance abuse, which describes the problem, provides data on underserved populations and makes recommendations.

B. EFFECT OF PROPOSED CHANGES:

Sections 1 and 2 of HB 1326 amends s. 396.102, F.S., and s. 397.052, F.S., to allow the court to appoint a master, who is a member of the Florida Bar, to preside over the hearing for involuntary treatment of alcoholics and drug dependent persons.

Section 3 amends s. 401.445, F.S., to allow for emergency examinations and treatment of persons who are intoxicated, under the influence of drugs, or who are unable to consent to such treatment.

Sections 4 through 6 create in two chapters of law, Chapters 396 and 397, Florida Statutes, intent language which recognizes that juvenile substance abuse is a problem which needs immediate attention and needs the investment of resources. It further recognizes the need for a special section in the state plan which is devoted specifically to juvenile substance abuse prevention and the need for cooperative agreements between counties and the public and private sector. House Bill 1326 provides definitions of "juvenile" and "circuit".

Further, each judicial circuit is allowed to establish a Juvenile Substance Abuse Prevention and Early Intervention Council to identify the needs of the local communities in the area of substance abuse prevention and early intervention, to identify priorities for programs and services and to develop recommendations to address the identified needs. The bill requires that these councils submit copies of their recommendations to the Statewide Coordinator for Substance Abuse Prevention and Treatment and the Assistant Secretary for Alcohol, Drug Abuse and Mental Health for possible incorporation in the state plans. Further, these recommendations must be submitted to the district alcohol, drug abuse and mental health planning council for inclusion in the district alcohol, drug abuse and

mental health plan. This council is to have broad community representation, with 6 members appointed by the chief judge of the judicial circuit and 6 members appointed by the HRS district administrator. Those circuits which already have a council of similar composition are allowed to use that council to perform the functions of the Juvenile Substance Abuse Prevention and Early Intervention Council.

House Bill 1326 provides a July 1, 1989 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:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

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

Local governments may incur costs for travel associated with the Council meetings.

2. Recurring or Annualized Continuation Effects:

See above comments.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

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DATE: June 12, 1989

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

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

House Bill 1326 should have a positive impact on substance abusing youth if positive alternatives to substance abuse are recommended and funded.

IV. COMMENTS:

The extent to which the Juvenile Substance Abuse Prevention and Early Intervention Councils would overlap or duplicate the activities of the Alcohol, Drug Abuse and Mental Health Planning Councils is unclear. However, the bill does allow for the Alcohol, Drug Abuse and Mental Health Planning Council to be designated as the Juvenile Substance Abuse Prevention and Early Intervention Council, if the membership requirements are met.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

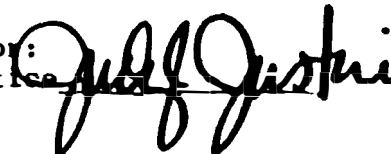
Prepared by:

Lillie Bogan/sq



Staff Director:

Judy C. Justice



SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

REVISED: _____

BILL NO. SB 716

DATE: May 4, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Lang</u> <i>ML</i>	<u>Smawley</u> <i>[Signature]</i>	1. <u>JCI</u>	<u>Favorable</u>
2. _____	_____	2. <u>HRS</u>	_____
3. _____	_____	3. <u>AP</u>	_____
4. _____	_____	4. _____	_____

SUBJECT:

Juvenile Substance Abuse
Prevention

BILL NO. AND SPONSOR:

SB 716 by
Senator Girardeau

I. SUMMARY:

A. Present Situation:

Treatment and rehabilitation of those dependent on alcohol or drugs are provided for in chs. 396 and 397, F.S. In 1988 the Legislature created a Statewide Coordinator for Substance Abuse Prevention and Treatment. ch. 88-337, s. 43, Laws of Fla.

The Statewide Coordinator is administratively located in the Department of Health and Rehabilitative Services, but reports directly to the Governor. The Statewide Coordinator develops an annual state comprehensive plan for the war on alcohol and drug abuse. The office coordinates the activities of various state agencies and local groups in this effort.

B. Effect of Proposed Changes:

The bill would authorize each judicial circuit to establish a "Juvenile Substance Abuse Prevention and Early Intervention Council." Each council would be composed of at least 12 members.

The HRS district administrator and the chief judge of the circuit would each appoint 6 members to the council. The district administrator would appoint a representative from HRS, a school district representative, an alcohol or drug abuse treatment professional, a juvenile advocate, a parent, and a high school student. The chief judge would appoint a business leader and representatives from the state attorney's office, the public defender's office, the religious community, the circuit court and law enforcement.

Each council would identify the needs of the communities within its area for juvenile substance abuse prevention and early intervention. Each council would develop recommendations and submit them to the Statewide Coordinator for inclusion in the annual state plan the Coordinator prepares.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

None.

REVISED: _____

BILL NO. SB 716

DATE: May 4, 1989

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IV. AMENDMENTS:

None.