

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 1054

INTRODUCER: Senator Gruters

SUBJECT: Substance Abuse Services

DATE: February 10, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Hendon	CF	Pre-meeting
2.			CJ	
3.			RC	

I. Summary:

SB 1054 requires the Department of Children and Families, in conjunction with the Office of the State Courts Administrator, to develop a process for electronic verification of a defendant's participation in substance abuse self-help groups as ordered by the court.

The bill would have a fiscal impact to the state and has an effective date of July 1, 2020.

II. Present Situation:

Problem-Solving Courts

In 1989, Florida started problem-solving court initiatives by creating the first drug court in the United States in Miami-Dade County. Other types of problem-solving court dockets subsequently followed using the drug court model and were implemented to assist individuals with a range of problems such as drug addiction, mental illness, domestic violence, and child abuse and neglect.¹

Florida's problem-solving courts address the root causes of an individual's involvement with the justice system through specialized dockets, multidisciplinary teams, and a nonadversarial approach. In practice, the local state attorney offers first time and non-violent defendants deferred prosecution. The state attorney agrees to defer prosecution if the defendant successfully completes the conditions recommended to and approved by the specialty court. Offering evidence-based treatment, judicial supervision, and accountability, problem-solving courts provide individualized interventions for participants, to reduce recidivism and promote

¹The most common problem-solving courts in Florida are drug courts, mental health courts, veterans courts and early childhood courts. Florida Courts, Office of Court Improvement, Problem-Solving Courts, *available at*: <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts> (last visited Feb. 6, 2020).

confidence and satisfaction with the justice system process.² Court ordered treatment for drug court can include routine drug testing, substance abuse treatment, and participation in self-help groups such as Alcoholics Anonymous and Narcotics Anonymous. Court employed case managers would receive and maintain information from the defendant or their attorney to report his or her compliance with the conditions set by the court.

III. Effect of Proposed Changes:

Section 1 of the bill creates s. 394.6745, F.S., to require the Department of Children and Families, in conjunction with the Office of the State Courts Administrator, to develop a process for electronic verification of a defendant's participation in participation in self-help groups as ordered by the court. The bill does not mandate the use of such electronic verification, only that it be available. The department may not be able to create a system to verify participation in self-help groups due to their anonymous nature. Alcoholics Anonymous and Narcotics Anonymous do not maintain attendance records or case histories.³ Case managers in a specialized court would still report a defendant's compliance with the conditions for deferred prosecution to the court.

Section 2 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

² *Id.*

³ Department of Children and Families SB 1054 Bill Analysis, dated Jan. 17, 2020. Available on file with the Senate Committee of Children, Families, and Elder Affairs.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will create a fiscal impact on the Department of Children and Families. The department would be responsible for developing a process for electronic verification of compliance with certain court ordered substance abuse treatment. The cost to develop and implement the system is unknown. It is unclear whether the department or the defendant would be responsible for paying for the use of such services once developed.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 394.6745 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.