

STORAGE NAME: h3009.jj
DATE: October 1, 1997

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

BILL #: HB 3009
RELATING TO: Public Records
SPONSOR(S): Representative Fasano
COMPANION BILL(S): HB 3007

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

- (1) JUVENILE JUSTICE
- (2) GOVERNMENTAL OPERATIONS
- (3)
- (4)
- (5)

I. SUMMARY:

HB 3009 would exempt from Florida's public records statutes juvenile records relating to mandatory substance abuse testing of children charged with or found to have committed offenses considered misdemeanors or felonies if committed by adults. It would also exempt mandatory substance abuse testing records of youth receiving civil citations.

The enactment of HB 3009 is contingent upon the passage of HB 3007 relating to mandatory testing of youth issued a civil citation or referred to the Department of Juvenile Justice. The effective date of HB 3007 is the October 1, of the year enacted.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The State of Florida does not require mandatory drug testing of juveniles receiving civil citations or juveniles charged with or found to have committed offenses that would be misdemeanors or felonies if committed by an adult. Therefore, no laws exist which restrict the public's access to these juvenile records.

B. EFFECT OF PROPOSED CHANGES:

Should HB 3007, relating to mandatory substance abuse testing of certain offenders become state law, HB 3009 would also become effective. HB 3009 would exempt from Florida's public records statutes juvenile records relating to mandatory substance abuse testing of children charged with or found to have committed offenses considered misdemeanors or felonies if committed by adults. It would also exempt mandatory substance abuse testing records of youth receiving civil citations.

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?

N/A

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

N/A

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?

N/A

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?

N/A

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

N/A

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?

N/A

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?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1. Juvenile records relating to mandatory substance abuse testing are exempt from s. 119.07, F.S., Florida public records law, and Article I of the State Constitution. The exemption is subject to the Open Government Sunset Review Act of 1995. It would repeal on October 2, 2003 unless reviewed and saved from repeal through enactment by the Legislature.

Section 2. Exempts juvenile mandatory substance abuse records from Florida's public records laws.

Section 3. Makes the effective date of this bill correspond to the effective date of HB 3007, relating to mandatory substance abuse testing of children in connection with certain offenses.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

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:

N/A

IV. 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.

V. COMMENTS:

N/A

STORAGE NAME: h3009.jj

DATE: October 1, 1997

PAGE 7

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Legislative Research Director:

Bridget Edmond

Kenneth Winker