

STORAGE NAME: h1403.jj.doc

DATE: February 12, 2002

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
JUVENILE JUSTICE  
ANALYSIS**

**BILL #:** HB 1403

**RELATING TO:** Substance-abuse Treatment

**SPONSOR(S):** Representative(s) Trovillion

**TIED BILL(S):**

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

- (1) JUVENILE JUSTICE
  - (2) FISCAL POLICY & RESOURCES
  - (3) COUNCIL FOR SMARTER GOVERNMENT
  - (4)
  - (5)
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**I. SUMMARY:**

The bill amends s. 39.001(4), F.S., to provide additional legislative intent relating to substance-abuse treatment. The bill encourages various state and local agencies that are regularly involved in or impacted by dependency proceedings to work cooperatively to support the drug court program model. Intent is also expressed that parents and children be assessed early and continually for substance abuse issues while involved in dependency proceedings.

The bill amends various provisions of Chapter 39, F.S., to create a procedure allowing the court to order a substance-abuse assessment or evaluation of either the child or the parent, legal custodian, or other person requesting custody of the child if that person's mental or physical condition is in controversy. The order may only be entered subsequent to a good cause showing as to the controversy and subject to the Florida Rules of Juvenile Procedure. A qualified professional, as defined in s. 397.311, F.S., must administer the assessment or evaluation. The bill also provides the dependency court with the authority to further order a person who has been the subject of a court-ordered assessment or evaluation to participate in and comply with any necessary treatment or services identified in the assessment or evaluation. Such treatment or services may include participation in a treatment-based drug court program. The court may impose sanctions for noncompliance with its order.

The bill amends ss. 948.08 and 985.306, F.S., which provide for pretrial intervention programs of the Department of Corrections and the Department of Juvenile Justice, respectively.

The bill amends s. 397.334, F.S., for purposes of conformity. Additionally, a new subsection (5) is created for s. 397.334, F.S., which provides for the creation of at least one drug court coordinator position in each judicial circuit, subject to annual appropriation by the Legislature. **Please refer to the "Fiscal Comments" section of the analysis for a detailed discussion of the anticipated fiscal impacts associated with this bill.**

The bill provides an effective date of July 1, 2002.

**THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.**

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |  |   |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |

For any principle that received a "no" above, please explain:

Although the bill empowers families by providing meaningful opportunities for substance-abusers to avail themselves of treatment, provisions of the bill which allow the court to compel a substance abuser into treatment or face sanctions do not support the principles of individual freedom or personal responsibility.

B. PRESENT SITUATION:

**Pretrial Intervention**

Section 948.08, F.S., requires the Department of Corrections to supervise pretrial intervention programs. Under the statute, defendants with minimal prior records who are charged with certain misdemeanors or third degree felonies can agree to participate in pretrial intervention programs. If a defendant agrees to participate (and waives his or her right to a speedy trial), the defendant is placed in the program. If the defendant successfully completes the program, pending charges can be dismissed. Section 985.306, F.S., creates an analogous pretrial intervention program in the juvenile system.

Section 948.08(6), F.S., allows defendants charged with certain drug possession felonies to be admitted into pretrial intervention programs if the defendant has not previously been convicted of a felony and has not previously been referred to pretrial intervention. If the state attorney establishes, by a preponderance of the evidence, that the defendant was involved in dealing or selling of drugs, the court must deny admission into the pretrial intervention program. If the defendant successfully completes the program, the case is dismissed. If the defendant does not complete the program, the prosecution proceeds. There is currently no analogous statute for misdemeanor drug crimes.

**Criminal Drug Courts**

Article V of the Florida Constitution creates the state court system. Circuit courts and county courts handle criminal cases at the trial level.<sup>1</sup> Courts may sit in divisions as established by general law.<sup>2</sup> The Florida Supreme Court has established a Treatment-Based Drug Court Steering Committee to assist the executive and legislative branches in establishing a state policy to address substance abuse issues in Florida. The first treatment-based drug court in the nation was established in Dade County in 1989.<sup>3</sup>

<sup>1</sup> See Art. V, ss. 5 and 6, Fla. Const.

<sup>2</sup> See Art. V, sec. 7, Fla. Const.

<sup>3</sup> "No Safe Haven: Children of Substance-Abusing Parents," January 1999, p. 61.

During the 2000-2001 Session, the Florida Legislature established a drug court program in each judicial circuit.<sup>4</sup> The purpose of the drug court program is to ensure that persons in the justice system with a substance-abuse problem are processed in a manner that addresses the substance-abuse problem through appropriate treatment. The intent of the Legislature in passing the bill was to reduce crime and recidivism by “breaking the cycle of addiction.” The bill also stated that the Legislature “seeks to ensure that there is a coordinated, integrated, and multidisciplinary response to the substance-abuse problem in this state.” The legislation encouraged various state agencies to work with law enforcement, local governments, and private sources to support the creation of the drug court program.

Essential elements of the drug court program are now described in statute, conforming to the standards recognized by the Drug Court Program Office of the United States Justice Department. These elements require drug courts to integrate alcohol and other drug treatment services with justice system case processing, in order to:

- Identify eligible participants in the drug court program early so they can be promptly placed in a program.
- Provide access to drug and alcohol treatment and rehabilitation services.
- Monitor abstinence by frequent testing.
- Monitor participants’ compliance.

The legislation allowed drug courts to make use of the pretrial intervention programs provided in ss. 948.08, 948.16, and 985.306, F.S. Section 948.16, F.S., provides that a person charged with a misdemeanor drug possession offense who has not been previously convicted of a felony or admitted to a pretrial program is eligible for a pretrial substance-abuse intervention and treatment program. This provision is analogous to the pretrial program for felony offenders created in section 948.08, F.S. A defendant may be placed in pretrial intervention upon motion of either party or the court. If the state attorney objects to pretrial intervention and can establish by a preponderance of the evidence that the defendant was involved in selling illegal drugs, the trial court must deny the defendant’s admission into the pretrial intervention program. While participating in the drug court program, offenders typically have more contacts with the court and closer supervision than offenders in other types of community-based supervision programs. At the end of the pretrial intervention period, the court shall determine whether the defendant successfully completed the program. If the defendant successfully completes the pretrial intervention program, the charges against the defendant are dismissed. If the defendant does not successfully complete the program, the court may continue the program or return the case to the criminal docket.

The bill also created the Florida Association of Drug Court Practitioners. The association’s membership consists of drug court practitioners including judges, state attorneys, defense attorneys, probation officers, law enforcement officials, and treatment professionals. Membership in the association is voluntary. The bill requires the association to elect a chair, solicit recommendations from members on issues relating to drug courts, and submit a yearly report to the Supreme Court Treatment-Based Drug Court Steering Committee.

As of August 2001, Florida had 33 operational and seven planned adult drug courts, 17 operational and four planned juvenile drug courts, eight operational and five planned dependency drug courts, and two reentry drug court programs.<sup>5</sup> In circuits or counties that do not have a drug court program, the appropriate circuit or county court hears drug cases.

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<sup>4</sup> See 2000-48, L.O.F. (CS/HB 199).

<sup>5</sup> See [www.flcourts.org](http://www.flcourts.org) (downloaded February 12, 2002). Information on Drug Courts is found under the “Judicial Administration” link. When the Florida Legislature considered the 2001 bill (HB 199) that established a treatment-based drug court program in each

### **National Center on Addiction and Substance Abuse at Columbia University**

In January 1999, the National Center on Addiction and Substance Abuse (CASA) published a report detailing its two-year analysis of the connection between substance abuse and child maltreatment.<sup>6</sup> CASA estimates that substance abuse causes or contributes to 7 out of 10 cases of child maltreatment and accounts for nearly \$10 billion in federal, state, and local spending – exclusive of costs relating to healthcare, operating judicial systems, law enforcement, special education, lost productivity, and privately incurred costs.<sup>7</sup>

The CASA report documented a doubling in the number of child abuse or neglect cases, from 1.4 million cases nationwide in 1986 to nearly 3 million cases in 1997.<sup>8</sup> In connection with the report, CASA conducted a national survey of family court and child welfare professionals to ascertain their perceptions of the extent to which substance abuse issues exist in child welfare cases.<sup>9</sup> The survey revealed the following:<sup>10</sup>

- 71.6% of respondents cited substance abuse as one of the top three causes for the rise in the number of child abuse and neglect cases.<sup>11</sup>
- 79.6% of respondents stated that substance abuse causes or contributes to at least half of all child abuse and neglect cases while 39.7% stated that substance abuse was a factor in over 75% of cases.
- 81.6% of respondents reported that parents who abuse or neglect their children most commonly abuse a combination of alcohol and drugs.
- 75.7% of respondents believed that children of substance-abusing parents were more likely to enter foster care than other children, and more likely to experience longer stays in foster care.
- 42% of all caseworkers surveyed reported that they were either not required or not sure if they were required to report substance abuse when investigating child abuse and neglect cases.
- 61% of respondents believed that what treatment was “available” largely determined what treatment was “appropriate” for the parent.
- 85.8% of respondents named lack of motivation as the primary barrier to getting parents into substance-abuse treatment.

The CASA analysis cited substantial research, which documented a foundation for these beliefs. Children whose parents abuse drugs and alcohol are almost three times more likely to be abused than children of parents who are not substance abusers.<sup>12</sup> Children of substance-abusing parents

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judicial circuit, Florida had 21 operational and 6 planned adult drug courts, 11 operational and 2 planned juvenile drug courts, and 3 operational dependency drug courts.

<sup>6</sup> “No Safe Haven: Children of Substance-Abusing Parents,” January 1999 (hereinafter, CASA Report). *See*

[http://www.casacolumbia.org/usr\\_doc/7167%2EPDF](http://www.casacolumbia.org/usr_doc/7167%2EPDF)

<sup>7</sup> *See id.*, p. 4.

<sup>8</sup> *See id.*, p. 1 (internal citations omitted).

<sup>9</sup> *See id.*, p. 2.

<sup>10</sup> *See id.*

<sup>11</sup> Respondents also cited better reporting of child maltreatment and poverty.

<sup>12</sup> Kelleher, K., Chaffin, M., Hollenberg, J., & Fischer, E. (1994). Alcohol and drug disorders among physically

are more than four times as likely to be neglected as those of parents who are not substance abusers.<sup>13</sup> The rate of repeated abuse or neglect appears to be increasingly driven by alcohol and drug addiction.<sup>14</sup> Children who grow up in abusive or neglectful environments are at risk for developing their own substance-abuse problems, performing poorly in school, engaging in delinquent behavior, and repeating the cycle of abuse and neglect.<sup>15</sup>

### **Chapter 39 – Proceedings Relating to Children, Family Courts**

Section 39.001, F.S., describes the purposes and intent of Chapter 39, which provides for dependency proceedings. With regard to substance-abuse services, the Legislature has found that the state's dependency system must be able to provide appropriate intervention and treatment for children with personal or family-related substance-abuse problems.<sup>16</sup> A dependent child is defined as a child who is found by the court:

- (a) To have been abandoned, abused, or neglected by the child's parent or parents or legal custodians;
- (b) To have been surrendered to the department, the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption;
- (c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;
- (d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a parent or parents have signed a consent pursuant to the Florida Rules of Juvenile Procedure;
- (e) To have no parent or legal custodians capable of providing supervision and care; or
- (f) To be at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians.<sup>17</sup>

With a substantial body of research documenting the link between substance-abusing parents and children at-risk for dependency, many family court judges have looked to the successes of the criminal drug court program and have endeavored to model a similar program for dependency proceedings.<sup>18</sup>

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abusive and neglectful parents in a community-based sample. *American Journal of Public Health*, 84(10), 1586-1590.

<sup>13</sup> *Id.*

<sup>14</sup> Wolock, I., & Magura, S. (1996). Parental substance abuse as a predictor of child maltreatment re-reports. *Child Abuse and Neglect*, 20 (12), 1183-1193; Festinger, T. (1994). *Returning to care: Discharge and reentry in foster care*. Washington, DC: Child Welfare League of America; Murphy, J. M., Jellinek, M., Quinn, D., Smith, G., Poitras, F. G., & Goshko, M. (1991). Substance abuse and serious child mistreatment: Prevalence, risk and outcome in a court sample. *Child Abuse and Neglect*, 15(3), 197-211; National Center on Child Abuse and Neglect. (1993). *Study of child maltreatment in alcohol abusing families: A report to Congress 1993*. Washington DC: U.S. Department of Health and Human Services, Administration on Children, Youth and Families, National Center on Child Abuse and Neglect.

<sup>15</sup> See CASA Report, p. 5 (internal citations omitted).

<sup>16</sup> See s. 39.001(4), F.S.

<sup>17</sup> See s. 39.01(14), F.S.

<sup>18</sup> See CASA Report, p. 62.

Notable among these efforts is the family drug court program established in 1996 by Judge John Parnham of the First Judicial Circuit in Pensacola. Up to 90 percent of the child welfare cases in Pensacola were reported to involve drug and alcohol abuse.<sup>19</sup>

Section 39.601, F.S., describes the requirements for a case plan, which the Department of Children and Family Services (DCFS) must develop for each child receiving services pursuant to Chapter 39, F.S.<sup>20</sup> The case plan follows the child from the provision of voluntary services through any dependency, foster care, or termination of parental rights proceeding or related activity or process.<sup>21</sup> In Judge Parham's family drug court, parents agree to a case plan that includes participating in drug treatment, submitting to random drug testing, appearing at weekly court hearings, and following any sanctions that the court may impose. The family drug court program is implemented in three phases, typically consisting of:

1. Four weeks of intensive outpatient services (four hours per day, four days per week); group therapy (1½ hours three times per week), and drug testing twice per week;
2. Two to four months of outpatient services (8 hours per week); group therapy twice per week, and drug testing twice per week;
3. Eight to twelve months of outpatient services (three hours per week), group therapy once per week), and drug testing once per week.<sup>22</sup>

The court exercises authority to enforce the provisions of the case plan through its contempt powers. Substantial violations of the provisions of the case plan may result in a formal contempt holding against the parent and could subject a parent to being placed on probation. Subsequent violations after being placed on probation may result in jail time. This component of the family drug court program has caused some critics to question the long-term likelihood of success through a "coerced" treatment plan.<sup>23</sup> Proponents of the family drug court model cite research indicating that lack of motivation by the parent is the number one obstacle to treatment in many cases and note the powerful incentives inherent in the drug court treatment model.<sup>24</sup>

#### C. EFFECT OF PROPOSED CHANGES:

Section 1 of the bill amends s. 39.001(4), F.S., to provide additional legislative intent relating to substance-abuse treatment. The bill encourages various state and local agencies that are regularly involved in or impacted by dependency proceedings to work cooperatively to support the drug court program model. Substance abuse issues are specifically recognized to be:

- Primarily causing the dramatic rise in cases of child abuse and neglect.
- Immeasurably increasing the complexity of cases in the dependency system.
- Severely compromising or destroying the ability of parents to provide a safe and nurturing home for their children.

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<sup>19</sup> *Id.* at p. 68 (internal citations omitted).

<sup>20</sup> Section 39.601, F.S., requires that the case plan include a description of the problem being addressed that includes the behavior or act of a parent resulting in risk to the child and the reason for the department's intervention, a description of the tasks with which the parent must comply and the services to be provided to the parent and child specifically addressing the identified problem, including type and frequency of services or treatment, and a description of the measurable objectives, including timeframes for achieving objectives, addressing the identified problem. These broad statutory provisions allow the court to develop a drug court treatment model within the confines of current law.

<sup>21</sup> Section 39.01(11), F.S.

<sup>22</sup> CASA Report, p. 68 (internal citations omitted).

<sup>23</sup> *See id.* at p. 75.

<sup>24</sup> *See id.* at p. 71.

Treatment-based drug court program models that integrate judicial supervision, treatment, accountability, sanctions, and community support are further recognized as greatly increasing the effectiveness of substance-abuse treatment and as reducing the number of cases of child abuse and neglect. Intent is also expressed that parents and children be assessed early and continually for substance abuse issues while involved in dependency proceedings.

Consistent with the amended intent language, the bill amends various provisions of chapter 39, F.S., to create a procedure allowing the court to order a substance-abuse assessment or evaluation of either the child or the parent, legal custodian, or other person requesting custody of the child if that person's mental or physical condition is in controversy. The order may only be entered subsequent to a good cause showing as to the controversy and subject to the Florida Rules of Juvenile Procedure. A qualified professional, as defined in s. 397.311, F.S., must administer the assessment or evaluation.<sup>25</sup>

Section 2 of the bill adds the procedure to s. 39.402, F.S., which relates to shelter placement. Section 3 of the bill amends s. 39.407, F.S., which provides for certain physical and mental examinations, to include substance-abuse examinations. Section 4 of the bill includes the procedure in s. 39.507, F.S., which relates to adjudicatory hearings. Section 5 of the bill includes the procedure in s. 39.521, F.S., which relates to disposition hearings.

In addition to including a substance-abuse assessment and evaluation procedure throughout dependency proceedings, sections 4 and 5 of the bill also provide the court with authority to further order a person who has been the subject of a court-ordered assessment or evaluation to participate in and comply with any necessary treatment or services identified in the assessment or evaluation. Such treatment or services may include participation in a treatment-based drug court program. The court is responsible for monitoring the progress of treatment participants. The court may impose sanctions for noncompliance with its order.

Section 6 of the bill amends s. 39.701, F.S., which relates to judicial review in dependency cases, in order to provide the court with authority to modify a case plan to include a requirement of participation in a treatment-based drug court program.

Section 7 of the bill amends s. 397.334, F.S., which provides for treatment-based drug court programs. The Department of Education is specifically included among the named agencies encouraged by the Legislature to support the creation of treatment-based drug court programs. Subsection (4) of s. 397.334, F.S., is amended to provide that treatment-based drug court programs may include not only pretrial intervention programs, but also postadjudicatory and community-based supervision programs of the Department of Corrections and the Department of Juvenile Justice.

Section 7 of the bill also provides that, subject to annual appropriation by the Legislature, each judicial circuit shall establish a minimum of one coordinator position for the treatment-based drug court program. The position is intended to provide support to the drug court program by coordinating the efforts of the various agencies supporting the drug court program pursuant to the provisions of s. 397.334(2), F.S. Additionally, language that is substantially similar to language currently found in ss. 948.08(7) and 985.02, F.S., is added as a new subsection (7) in s. 397.334,

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<sup>25</sup> Section 397.311(25), F.S., defines a "qualified professional" to mean a physician licensed under chapter 458 or chapter 459; a professional licensed under chapter 490 or chapter 491; or a person who is certified through a department-recognized certification process for substance-abuse treatment services and who holds, at a minimum, a bachelor's degree. Upon conducting the assessment or evaluation provided for in the bill, such professionals would also be capable of recognizing and making referrals if an issue other than substance abuse was subsequently suspected to be the cause of the "controversy."

F.S. This provision allows the chief judge in each circuit to appoint an advisory committee for the drug-court program.

Section 8 of the bill amends s. 948.08, F.S., which relates to pretrial intervention programs operated by the Department of Corrections. Subsection (7) of s. 948.08, F.S., is repealed in favor of the provisions created in s. 397.334(7), F.S., in section 7 of the bill. The criteria for eligibility to participate in a pretrial intervention program are broadened by striking the existing limitations for:

- Defendants who have previously been admitted to a felony pretrial intervention program.
- Defendants who have previously rejected an offer to participate in a pretrial substance-abuse education and treatment intervention program.

The bill also provides an additional avenue for admission to a pretrial intervention program. With the approval of the state attorney, a defendant who is assessed with a substance-abuse problem, and who:

- Is charged for the first time with a nonviolent third-degree felony; or
- Has previously been convicted of a nonviolent third-degree felony and is presently charged with a second or subsequent nonviolent third-degree felony,

may be referred to a pretrial intervention program pursuant to the bill. Upon successful completion of the pretrial intervention program, such defendants are entitled to the dismissal of their pending nonviolent third-degree felony charge.

Section 9 of the bill amends s. 985.306, F.S., which relates to pretrial intervention programs operated by the Department of Juvenile Justice. As amended, the eligibility criteria for a juvenile offender's admission to a pretrial intervention program are nearly identical to the amended eligibility criteria for adults, as provided in s. 948.08(6)(a), F.S.<sup>26</sup> Subsection (2) of s. 985.306, F.S., is repealed in favor of the provisions created in s. 397.334(7), F.S., in section 7 of the bill.

Section 10 of the bill provides an effective date of July 1, 2002.

D. SECTION-BY-SECTION ANALYSIS:

**Please refer to the "Present Situation" and "Effect of Proposed Changes" sections of this analysis, above.**

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

**Please refer to the "Fiscal Comments" section of this analysis, below.**

2. Expenditures:

**Please refer to the "Fiscal Comments" section of this analysis, below.**

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<sup>26</sup> The primary distinction is that a juvenile offender may also be admitted to a pretrial intervention program pursuant to a misdemeanor charge. Unlike the Department of Corrections, which only serves felony offenders, the Department of Juvenile Justice serves both misdemeanor and felony offenders.



B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Please refer to the "Fiscal Comments" section of this analysis, below.

2. Expenditures:

Please refer to the "Fiscal Comments" section of this analysis, below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Please refer to the "Fiscal Comments" section of this analysis, below.

D. FISCAL COMMENTS:

Section 7 of the bill provides that, subject to annual appropriation by the Legislature, each judicial circuit shall establish a minimum of one coordinator position for the treatment-based drug court program. The position is intended to provide support to the drug court program by coordinating the efforts of the various agencies supporting the drug court program pursuant to the provisions of s. 397.334(2), F.S.

The Office of State Courts reports that 18 of the 20 judicial circuits already have a drug court coordinator position funded by state general revenues. The Office of State Courts estimates that the additional costs to the state associated with funding coordinator positions in the Third and Sixth Judicial Circuits to be as follows:

	2002-03	2003-04	2004-05
<b><u>Non-Recurring Effects</u></b>			
• State Standard Expenses	\$ 6,122		
• State Standard OCO	\$ 3,000		
<i>Total Nonrecurring Costs</i>	<u>\$ 9,122</u>		
<b><u>Recurring Effects (2 FTE)</u></b>			
• Salaries and Benefits	\$116,705	\$116,705	\$116,705
• State Standard Expenses	\$ 10,282	\$ 10,282	\$ 10,282
<i>Total Recurring Costs</i>	<u>\$126,987</u>	<u>\$126,987</u>	<u>\$126,987</u>

There may be additional indeterminate costs to the courts and other state and local agencies that are encouraged in s. 397.334, F.S., to support the drug court program. For example, the bill may lead existing drug court programs to expand their focus to include dependency and delinquency. However, the Department of Education does not anticipate a significant fiscal impact that their agency in connection with the bill, nor does the Department of Children and Family Services. Although the bill broadens the eligibility criteria for criminal pretrial intervention programs, it is not anticipated that the bill will significantly increase the number of offenders coming into the Department of Corrections or the Department of Juvenile Justice. Instead, these agencies may experience a shift in the number of offenders served in pretrial intervention programs rather than community-based supervision programs. To the extent that the pretrial intervention programs result in fewer adult offenders being incarcerated and fewer juvenile offenders being residentially committed, there may be cost-avoidance associated with this bill.

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 spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE :

Prepared by:

Staff Director:

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Lori Ager

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Lori Ager