

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 Criminal Justice

BILL: SB 1054

INTRODUCER: Senators Gruters and Farmer

SUBJECT: Substance Abuse Services

DATE: February 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	<u>Favorable</u>
2.	<u>Cellon</u>	<u>Jones</u>	<u>CJ</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1054 creates s. 394.6745, F.S., which requires the Department of Children and Families (DCF), in conjunction with the Office of the State Courts Administrator (OSCA), to develop a process for electronic verification of a person’s participation in substance abuse self-help groups, ordered by a problem-solving court as a component of his or her treatment.

The bill will have a fiscal impact to the state. See Section V. Fiscal Impact Statement.

The bill has an effective date of July 1, 2020.

II. Present Situation:

Problem-Solving Courts

In 1989, Florida created 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.² As of July 2019, the following more commonly known problem-solving courts operated in the state:

- 54 Adult Drug Courts;

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 February 12, 2020).

² *Id.*

- 31 Veteran’s Courts;
- 27 Mental Health Courts;
- 20 Juvenile Drug Courts;
- 23 Early Childhood Courts;
- 13 Family Dependency Drug Courts; and
- 4 DUI Courts.³

When the court’s focus is on helping people overcome substance use issues that contributed to their justice system involvement (drug court, juvenile drug court, family dependency drug court, and DUI court), the program will involve various treatment options. However, even when the docket seemingly consists exclusively of different types of cases (early childhood courts, mental health courts, and veteran’s courts), substance use issues may play a part and may be treated in those courts, too.

In Drug Courts, a participant’s goal is usually to complete the phases of the program and graduate. Phase promotion is predicated on the achievement of realistic and defined behavioral goals. Criteria for phase advancement and graduation include objective evidence that participants are engaged in productive activities; such as, employment, education, or attendance in peer support groups.⁴

Drug Court participants regularly attend self-help or peer support groups in addition to group and individual counseling. The peer support groups follow a structured model such as 12-step or Smart Recovery. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy, to prepare the participants for what to expect in the groups and assist them to gain the most benefit from the groups. The Florida Adult Drug Court Best Practice Standards states that participants should have the option to choose a secular alternative to 12-step peer support groups.⁵

If a Drug Court participant attends peer support group meetings, and he or she wants the court to be made aware of that productive behavior, there must be proof that the participant attended the meeting. Based upon the Drug Court Model, the Case Manager is likely to receive such proof from the participant at their meeting and report it to the drug court team. Traditionally, this proof of meeting attendance is provided by a paper record of attendance.

GEO Fencing and GEO Location Technology as a Possible Reporting Tool

Geofencing is a location-based service in which an application (app) or other software uses GPS, RFID, Wi-Fi or cellular data to trigger a pre-programmed action when a mobile device or RFID tag enters or exits a virtual boundary set up around a geographical location, known as a geofence.

³ *Id.*

⁴ Florida Courts, Office of Court Improvement, Problem-Solving Courts, Florida Problem Solving Courts Best Practice Standards, Florida Adult Drug Court Best Practice Standards, available at <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts/Florida-Problem-Solving-Courts-Best-Practice-Standards> (last visited February 12, 2020).

⁵ *Id.*

A geofence is most commonly defined within the code of a mobile application, especially since users need to opt-in to location services for the geofence to work.⁶

With the rising popularity of mobile devices, the use of geofencing has become a standard practice for businesses. Once a geographic area has been defined, the opportunities are seemingly endless for what companies can do, and it has become especially popular in marketing and social media. Some companies rely on geofencing for monitoring employees, especially workers who spend time off-site doing field work. It's also an easy way to automate time cards, clocking employees in and out as they come and go.⁷

There are also apps available that will "locate" the user for specific periods of time. For example, if a person is in a support group meeting, it is possible for the app, through the user's telephone, to let a case manager, but not necessarily anyone else, know the location of the person in real time.⁸

III. Effect of Proposed Changes:

The bill creates s. 394.6745, F.S., to require the DCF, in conjunction with the OSCA, to establish a process for electronic verification of a problem-solving court participant's attendance in self-help groups if such participation is a component of the person's court-ordered treatment.

The bill does not mandate the use of electronic verification.

Case managers in a problem-solving court will be required to report a defendant's compliance or non-compliance with the conditions of the participant's program to the court regardless of the process by which verification is obtained.

The bill has 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.

⁶ Sarah K. White, CIO, What is geofencing? Putting location to work, November 1, 2017, available at <https://www.cio.com/article/2383123/geofencing-explained.html> (last visited February 13, 2020).

⁷ *Id.*

⁸ Lynn Morton, R2I, 6 Geolocation Apps You May Not Have Heard About, available at <https://www.r2integrated.com/r2insights/6-geolocation-apps-you-may-not-have-heard-about> (last visited February 13, 2020).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The cost to establish the electronic reporting system required by the bill is unknown. The bill will not create a known fiscal impact on the DCF.⁹ The OSCA expects minimal fiscal impact from effects on judicial time. However, the OSCA and the courts may experience costs related to establishing, deploying, using, and maintaining the electronic-verification solution. The OSCA reports that the fiscal impact is indeterminate and will depend upon the type of solution established.¹⁰

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.

⁹ Department of Children and Families, 2020 Agency Bill Analysis, January 17, 2020, (on file with the Criminal Justice Committee).

¹⁰ Office of the State Courts Administrator, 2020 Judicial Impact Statement, February 7, 2020, (on file with the Criminal Justice Committee).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
