

Committee Substitute for  
Committee Substitute for Senate Bill No. 1468

An act relating to statewide drug control; providing definitions; providing legislative intent and findings with respect to the need to address the problem of substance abuse in this state and the development of a state drug-control strategy; creating the Office of Drug Control within the Executive Office of the Governor; providing for the office to be headed by a director appointed by the Governor, subject to Senate confirmation; providing purpose and duties of the Office of Drug Control; requiring the director of the Office of Drug Control to report annually to the Governor and Legislature; creating the Statewide Drug Policy Advisory Council within the Executive Office of the Governor; providing for membership of the advisory council; providing for terms of office; providing for payment of per diem and travel expenses; providing duties of the advisory council; requiring that the advisory council make recommendations to the Governor and Legislature for developing and implementing a state drug-control strategy; requiring that the advisory council make recommendations for funding programs and services; providing other duties of the advisory council; authorizing the chairperson of the advisory council to appoint workgroups; requiring an annual report; amending s. 397.821, F.S., relating to juvenile substance abuse impairment prevention and early intervention councils; conforming provisions to changes made by the act; repealing ss. 397.801(1), 397.811(2), F.S., relating to the Statewide Coordinator for Substance Abuse Impairment Prevention and Treatment; providing an appropriation; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Definitions; legislative intent.—

(1) As used in this act, the term:

(a) “Substance abuse” means the use of any substance if such use is unlawful or if such use is detrimental to the user or to others, but is not unlawful.

(b) “Substance-abuse programs and services” or “drug control” applies generally to the broad continuum of prevention, intervention, and treatment initiatives and efforts to limit substance abuse and also includes initiatives and efforts by law enforcement agencies to limit substance abuse.

(2) It is the intent of the Legislature to establish and institutionalize a rational process for long-range planning, information gathering, strategic decisionmaking, and funding for the purpose of limiting substance abuse. The Legislature finds that the creation of a state Office of Drug Control and a Statewide Drug Policy Advisory Council affords the best means of establishing and institutionalizing such a process.

(3) The Legislature finds that any rational and cost-effective governmental effort to address substance abuse must involve a comprehensive, integrated, and multidisciplinary approach to the problem of substance abuse.

(4) The Legislature further finds that because state resources must be available to address an array of state needs, including the funding of drug-control efforts, it is critical that:

(a) A state drug-control strategy be developed and implemented;

(b) Decisions regarding the funding of substance abuse programs and services be based on the state drug-control strategy;

(c) The state drug-control strategy be supported by the latest empirical research and data;

(d) The state drug-control strategy require performance-based measurement and accountability;

(e) The state drug-control strategy require short-term and long-term objectives;

(f) The development and implementation of the state drug-control strategy afford a broad spectrum of the public and private sectors an opportunity to comment and make recommendations; and

(g) Because the nature and scope of the substance-abuse problem transcends jurisdictional boundaries of any single government agency, the state drug-control strategy be a comprehensive, integrated, and multidisciplinary response to the problem of substance abuse.

## Section 2. Office of Drug Control.—

(1) The Office of Drug Control is created within the Executive Office of the Governor. The Governor shall appoint a director of the Office of Drug Control, who shall be subject to confirmation by the Senate.

(2) The purpose of the Office of Drug Control is to work in collaboration with the Office of Planning and Budgeting to:

(a) Coordinate drug-control efforts and enlist the assistance of the public and private sectors in those efforts, including, but not limited to, federal, state, and local agencies.

(b) Provide information to the public about the problem of substance abuse and the substance-abuse programs and services that are available.

(c) Act as the Governor's liaison with state agencies, other state governments, the federal Office of National Drug Control Policy, federal agencies, and with the public and private sectors on matters that relate to substance abuse.

(d) Work to secure funding and other support for the state's drug-control efforts, including, but not limited to, establishing cooperative relationships among state and private agencies.

(e) Develop a strategic program and funding initiative that links the separate jurisdictional activities of state agencies with respect to drug control. The office may designate lead and contributing agencies to develop such initiatives.

(f) Advise the Governor and the Legislature on substance-abuse trends in this state, the status of current substance-abuse programs and services, the funding of those programs and services, and the status of the Office of Drug Control in developing and implementing the state drug-control strategy.

(g) Make recommendations to the Governor on measures that the director considers advisable for the effective implementation of the state drug-control strategy.

(3) On or before December 1 of each year, the director of the Office of Drug Control shall report to the Governor and the Legislature on the information and recommendations required under paragraphs (2)(f) and (g).

### Section 3. Statewide Drug Policy Advisory Council.—

(1)(a) The Statewide Drug Policy Advisory Council is created within the Executive Office of the Governor. The director of the Office of Drug Control shall be a nonvoting, ex officio member of the advisory council and shall act as chairperson. The director of the Office of Planning and Budgeting shall be a nonvoting, ex officio member of the advisory council. The Office of Drug Control and the Office of Planning and Budgeting shall provide staff support for the advisory council.

(b) The following state officials shall be appointed to serve on the advisory council:

1. The Attorney General, or his or her designee.
2. The executive director of the Department of Law Enforcement, or his or her designee.
3. The Secretary of Children and Family Services, or his or her designee.
4. The Secretary of Health, or his or her designee.
5. The Secretary of Corrections, or his or her designee.
6. The Secretary of Juvenile Justice, or his or her designee.
7. The Commissioner of Education, or his or her designee.
8. The executive director of the Department of Highway Safety and Motor Vehicles, or his or her designee.
9. The Adjutant General of the state as the Chief of the Department of Military Affairs, or his or her designee.

(c) In addition, the Governor shall appoint 11 members of the public to serve on the advisory council. Of the 11 appointed members, one member

must have professional or occupational expertise in drug enforcement, one member must have professional or occupational expertise in substance-abuse prevention, and one member must have professional or occupational expertise in substance-abuse treatment. The remainder of the members appointed should have professional or occupational expertise in, or be generally knowledgeable about, issues that relate to drug enforcement and substance-abuse programs and services. The members appointed by the Governor must, to the extent possible, equitably represent all geographic areas of the state.

(d) The President of the Senate shall appoint a member of the Senate to the advisory council and the Speaker of the House of Representatives shall appoint a member of the House of Representatives to the advisory council.

(e) The Chief Justice of the Supreme Court shall appoint a member of the judiciary to the advisory council.

(f) Members appointed by the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice shall be appointed to terms of 4 years each. However, for the purpose of providing staggered terms, of the Governor's initial appointments, five members shall be appointed to 2-year terms and six members shall be appointed to 4-year terms.

(2)(a) Any vacancy on the advisory council shall be filled in the same manner as the original appointment, and any member appointed to fill a vacancy occurring because of death, resignation, or ineligibility for membership shall serve only for the unexpired term of the member's predecessor. A member is eligible for reappointment.

(b) Members of the advisory council and members of workgroups appointed under subsection (4) shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided in section 112.061, Florida Statutes.

(c) The advisory council shall meet at least quarterly or upon the call of the chairperson.

(3) The advisory council shall:

(a) Conduct a comprehensive analysis of the problem of substance abuse in this state and make recommendations to the Governor and Legislature for developing and implementing a state drug-control strategy. The advisory council shall determine the most effective means of establishing clear and meaningful lines of communication between the advisory council and the public and private sectors in order to ensure that the process of developing and implementing the state drug-control strategy has afforded a broad spectrum of the public and private sectors an opportunity to comment and make recommendations.

(b) Review and make recommendations to the Governor and Legislature on funding substance-abuse programs and services, consistent with the state drug-control strategy, as developed. The council may recommend the

creation of a separate appropriations category for funding services delivered or procured by state agencies and may recommend the use of performance-based contracting as provided in section 414.065, Florida Statutes.

(c) Review various substance-abuse programs and recommend, where needed, measures that are sufficient to determine program outcomes. The council shall review different methodologies for evaluating programs and determine whether programs within different agencies have common outcomes. The methodologies shall be consistent with those established under section 216.0166, Florida Statutes.

(d) Review the drug-control strategies and programs of, and efforts by, other states and the Federal Government and compile the relevant research.

(e) Recommend to the Governor and Legislature applied research projects that would use research capabilities within the state, including, but not limited to, the resources of the State University System, for the purpose of achieving improved outcomes and making better-informed strategic budgetary decisions.

(f) Recommend to the Governor and Legislature changes in law which would remove barriers to or enhance the implementation of the state drug-control strategy.

(g) Make recommendations to the Governor and the Legislature on the need for public information campaigns to be conducted in the state to limit substance abuse.

(h) Ensure that there is a coordinated, integrated, and multidisciplinary response to the substance-abuse problem in this state, with special attention given to creating partnerships within and between the public and private sectors, and to the coordinated, supported, and integrated delivery of multiple-system services for substance abusers, including a multiagency team approach to service delivery.

(i) Assist communities and families in pooling their knowledge and experiences with respect to the problem of substance abuse. Forums for exchanging ideas, experiences, and practical information, as well as instruction, should be considered. For communities, such instruction may involve issues of funding, staffing, training, and neighborhood and parental involvement, and instruction on other issues. For families, such instruction may involve practical strategies for addressing family substance abuse; improving cognitive, communication, and decisionmaking skills; providing parents with techniques for resolving conflicts, communicating, and cultivating meaningful relationships with their children and establishing guidelines for their children; educating families about drug-free programs and activities in which they may serve as participants and planners; and other programs of similar instruction. To maximize the effectiveness of such forums, multiple agencies should participate.

(4)(a) The chairperson of the advisory council shall appoint workgroups that include members of state agencies that are not represented on the advisory council and shall solicit input and recommendations from those

state agencies. In addition, the chairperson may appoint workgroups as necessary from among the members of the advisory council in order to efficiently address specific issues. A representative of a state agency appointed to any workgroup shall be the head of the agency, or his or her designee. The chairperson may designate lead and contributing agencies within a workgroup.

(b) The advisory council shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year which contains a summary of the work of the council during that year and the recommendations required under subsection (3). Interim reports may be submitted at the discretion of the chairperson of the advisory council.

Section 4. Subsection (3) of section 397.821, Florida Statutes, is amended to read:

397.821 Juvenile substance abuse impairment prevention and early intervention councils.—

~~(3) The council shall provide recommendations to the Statewide Coordinator for Substance Abuse Impairment Prevention and Treatment and to the Assistant Secretary for Alcohol, Drug Abuse, and Mental Health annually for consideration for inclusion in the state comprehensive plan for substance abuse impairment, and also to the district alcohol, drug abuse, and mental health planning councils for consideration for inclusion in the district alcohol, drug abuse, and mental health plans.~~

Section 5. Subsection (1) of section 397.801, Florida Statutes, and subsection (2) of section 397.811, Florida Statutes, are repealed.

Section 6. Effective July 1, 1999, there is hereby appropriated to the Executive Office of the Governor, 3 full-time-equivalent positions and \$270,333 from recurring General Revenue, and \$14,539 from nonrecurring General Revenue, in lump sum to implement the provisions of this act.

Section 7. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor May 21, 1999.

Filed in Office Secretary of State May 21, 1999.