

STORAGE NAME: h0679b.jj

DATE: March 22, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
JUVENILE JUSTICE
ANALYSIS**

BILL #: HB 679

RELATING TO: Drug Testing of Students

SPONSOR(S): Representative Diaz de la Portilla

COMPANION BILL(S): None

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

- (1) EDUCATION K-12 YEAS 10 NAYS 0
- (2) JUVENILE JUSTICE
- (3) JUDICIARY
- (4) EDUCATION APPROPRIATIONS
- (5)

I. SUMMARY:

The bill allows school boards to adopt policies for random drug testing of all students if the board finds that the testing is necessary for the safety or welfare of the student body or school personnel.

This bill has no fiscal impact to the state.

Provides for an effective date of the bill on July 1, 1999.

II. SUBSTANTIVE ANALYSIS:

PRESENT SITUATION:

According to the Department of Juvenile Justice, for the five year period between fiscal years 1993-94 to 1997-98, there has been a 59% increase in the number of youths referred for felony non-marijuana drug offenses, and a 54% increase in youths referred for marijuana felonies. During that same time period, the largest percentage of increase for misdemeanor referrals was for drug offenses. Misdemeanor non-marijuana drug offenses increased 147%, and misdemeanor marijuana drug offenses increased 71%.

Currently, school boards are authorized to adopt programs and policies that ensure the safety and welfare of individuals, students and school personnel. These programs and policies may:

- ◆ Prohibit the possession of weapons and drugs on campus, student hazing and other activities that could threaten the operation of school or the safety and welfare of the student body or school personnel;
- ◆ Require uniforms to be worn by the student or impose other dress-related requirements, if the board finds that those requirements are necessary for the safety or welfare of the student body or school personnel;
- ◆ Provide procedures for student dismissal precautions and for granting permission for students to leave school grounds during school hours, including releasing a student from school upon request by a parent or guardian or for public appearances of school groups;
- ◆ Provide procedures for managing protests, demonstrations, sit-ins, walk-outs, or other acts of civil disobedience;
- ◆ Provide procedures for detaining students and for readmission of students after expulsion; and
- ◆ Regulate student automobile use and parking.

The average price of drug testing programs is \$10 - \$55 dollars per person tested. This pricing scheme reflects current student drug testing programs.

Florida School Active Drug-testing Programs:

- ◆ Santa Rosa County School District has a drug and alcohol testing policy for student-athletes that are engaged in interscholastic athletic participation.
- ◆ Miami Dade County School District participates in a federal drug-free program, "Drug-Free Youth in Town" (D-FY-IT). This program is designed to incite a proactive approach to prevention that encourages and acknowledges students to be drug-free. All students in the D-FY-IT program must prove through an initial drug screening and subsequent random drug screening tests that they are drug free.

A. EFFECT OF PROPOSED CHANGES:

School boards are authorized to adopt policies to require random drug testing of all students, if the board finds that the testing is necessary for the safety or welfare of the student body or school personnel.

B. 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?

Yes, school boards are authorized to adopt programs and policies to require random drug testing.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

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

No.

b. If an agency or program is eliminated or reduced:

A program is not eliminated.

(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?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

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

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This bill does not purport 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?

No.

- 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:

This bill does not create or change a program providing services to families or children.

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

C. STATUTE(S) AFFECTED:

Amends section 230.23005, F.S., relating to supplemental powers and duties of school boards.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: The bill allows school boards to adopt policies requiring random drug testing of all students if the board finds that the testing is necessary for the safety or welfare of the student body or school personnel.

Section 2: Provides for an effective date of the bill on July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

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:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

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