

1 A bill to be entitled
 2 An act relating to delinquency pretrial intervention
 3 programs; amending s. 985.345, F.S.; providing that
 4 persons charged with substance-abuse-related
 5 nonviolent felonies or misdemeanors are eligible for
 6 voluntary admission into delinquency pretrial
 7 substance abuse education and treatment intervention
 8 programs; providing an effective date.

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

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 12 Section 1. Subsection (1) of section 985.345, Florida
 13 Statutes, is amended to read:

14 985.345 Delinquency pretrial intervention program.—

15 (1) Notwithstanding any provision of law to the contrary,
 16 a child who is charged with a felony of the second or third
 17 degree for purchase or possession of a controlled substance
 18 under chapter 893; tampering with evidence; solicitation for
 19 purchase of a controlled substance; ~~or~~ obtaining a prescription
 20 by fraud; or a substance-abuse-related nonviolent felony or
 21 misdemeanor, and who has not previously been adjudicated for a
 22 felony, is eligible for voluntary admission into a delinquency
 23 pretrial substance abuse education and treatment intervention
 24 program, including a treatment-based drug court program
 25 established pursuant to s. 397.334, approved by the chief judge
 26 or alternative sanctions coordinator of the circuit to the

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27 | extent that funded programs are available, for a period based on
28 | the program requirements and the treatment services that are
29 | suitable for the offender, upon motion of either party or the
30 | court's own motion. However, if the state attorney believes that
31 | the facts and circumstances of the case suggest the child's
32 | involvement in the dealing and selling of controlled substances,
33 | the court shall hold a preadmission hearing. If the state
34 | attorney establishes by a preponderance of the evidence at such
35 | hearing that the child was involved in the dealing and selling
36 | of controlled substances, the court shall deny the child's
37 | admission into a delinquency pretrial intervention program.

38 | Section 2. This act shall take effect July 1, 2014.