

By Senator Burt

16-1227-01

1                                   A bill to be entitled  
 2           An act relating to the state court system;  
 3           providing legislative intent with respect to  
 4           the development of treatment-based drug courts;  
 5           requiring each judicial circuit to establish  
 6           one or more treatment-based drug courts within  
 7           any of the divisions of the circuit; specifying  
 8           the principles of therapeutic jurisprudence to  
 9           be included in the drug court programs;  
 10          establishing the position of drug court  
 11          coordinator within each judicial circuit;  
 12          providing duties of the coordinator;  
 13          authorizing the drug courts to include certain  
 14          pretrial intervention programs in the court's  
 15          program; creating the Florida Association of  
 16          Drug Court Professionals; providing for  
 17          membership; requiring that the chairperson of  
 18          the association provide recommendations to the  
 19          Supreme Court Treatment-Based Drug Court  
 20          Steering Committee; providing an effective  
 21          date.

22  
 23 Be It Enacted by the Legislature of the State of Florida:

24  
 25           Section 1. Treatment-Based drug courts.--  
 26           (1) It is the intent of the Legislature to implement  
 27           treatment-based drug courts in each judicial circuit in an  
 28           effort to reduce crime and recidivism, cases of abuse and  
 29           neglect, and the dysfunction of families by breaking the cycle  
 30           of addiction which is the most predominant cause of cases  
 31           entering the justice system. The Legislature recognizes that

1 the integration of judicial supervision, treatment,  
2 accountability, and sanctions greatly increase the  
3 effectiveness of substance-abuse treatment. The Legislature  
4 also seeks to ensure that there is a coordinated, integrated,  
5 and multidisciplinary response to the problem of substance  
6 abuse in this state, with special attention given to creating  
7 partnerships between the public and private sectors and  
8 providing for the coordinated, supported, and integrated  
9 delivery of multiple-system services for substance abusers,  
10 including a multiagency team approach to delivering services.

11 (2) Each judicial circuit shall establish a model of  
12 one or more treatment-based drug courts wherein persons  
13 assessed with a substance-abuse problem in the justice system  
14 will be processed in a manner that appropriately addresses the  
15 severity of the identified substance-abuse problem through  
16 treatment plans tailored to the individual needs of the  
17 participant. These treatment-based drug court models may be  
18 established in the misdemeanor, felony, family, delinquency,  
19 and dependency divisions of the judicial circuits. It is the  
20 intent of the Legislature to encourage the Department of  
21 Corrections, the Department of Children and Family Services,  
22 the Department of Juvenile Justice, the Department of Health,  
23 the Department of Law Enforcement, and other such agencies,  
24 local governments, law enforcement agencies, and other  
25 interested public or private sources to support the creation  
26 and establishment of these problem-solving courts.  
27 Participation in the treatment-based drug courts does not  
28 divest any public or private agency of its responsibility for  
29 a child or adult, but allows these agencies to better meet  
30 their needs through shared responsibility and resources.

31

1           (3) Each treatment-based drug court shall include  
2 principles of therapeutic jurisprudence and adhere to the Ten  
3 Key Components, recognized by the Drug Courts Program Office  
4 of the Office of Justice Programs of the United States  
5 Department of Justice, and adopted by the Florida Supreme  
6 Court Treatment-Based Drug Court Steering Committee, as  
7 follows:

8           (a) Drug courts shall integrate alcohol and other  
9 drug-treatment services with case processing within the  
10 justice system.

11           (b) Using a nonadversarial approach, prosecution and  
12 defense counsel shall promote public safety while protecting a  
13 participant's right to due process.

14           (c) Eligible participants shall be identified early  
15 and promptly placed in the drug court program.

16           (d) Drug courts shall provide access to a continuum of  
17 alcohol, drug, and related treatment and rehabilitation  
18 services.

19           (e) Abstinence shall be monitored by frequent and  
20 random testing for alcohol and other drugs.

21           (f) A coordinated strategy shall govern the responses  
22 of the drug court to participants' compliance.

23           (g) Drug courts shall provide ongoing judicial  
24 interaction with each participant.

25           (h) Drug courts shall measure the achievement of  
26 program goals and gauge the effectiveness of the program by  
27 monitoring and evaluation.

28           (i) Drug courts shall promote effective planning,  
29 implementation, and operations by requiring continuing  
30 interdisciplinary education for practitioners within the drug  
31 courts.

1           (j) Drug courts shall generate local support and  
2 enhance program effectiveness by forging partnerships with  
3 public agencies and community-based organizations.

4           (4) There is established in each judicial circuit, at  
5 a minimum, one position for a drug court coordinator within  
6 the state courts system to coordinate the responsibilities  
7 between the participating agencies and service providers.  
8 These positions shall provide direct support to the  
9 treatment-based drug court by providing for program  
10 coordination between the multidisciplinary team, the  
11 judiciary, and case managers; monitoring compliance of drug  
12 court participants with court requirements; and providing for  
13 program evaluation and accountability.

14           (5) These treatment-based drug courts may include  
15 pretrial intervention programs, as set forth in sections  
16 948.08(6), 948.16, and 985.306, Florida Statutes, and  
17 postadjudicatory programs.

18           (6)(a) There is created the Florida Association of  
19 Drug Court Professionals. The membership may consist of drug  
20 court practitioners who comprise the multidisciplinary drug  
21 court team, including, but not limited to, judges, state  
22 attorneys, defense counsel, drug court coordinators, probation  
23 officers, law enforcement officers, members of the academic  
24 community, and treatment professionals. Membership in the  
25 association shall be voluntary.

26           (b) The association shall annually elect a chairperson  
27 who shall solicit recommendations from members on issues  
28 relating to the expansion, operation, and institutionalization  
29 of drug courts. The chairperson shall provide recommendations  
30 of the association to the Supreme Court Treatment-Based Drug  
31

1 Court Steering Committee and shall submit a report to the  
2 committee on or before October 1 of each year.

3 Section 2. This act shall take effect July 1, 2001.  
4

5 \*\*\*\*\*

6 SENATE SUMMARY

7 Requires each judicial circuit to establish one or more  
8 treatment-based drug courts within any of the divisions  
9 of the circuit. Provides the principles of therapeutic  
10 jurisprudence to be included in the drug court program.  
11 Creates the position of drug court coordinator within  
12 each circuit. Creates the Florida Association of Drug  
13 Court Professionals. Requires the association to make  
14 annual recommendations to the Supreme Court  
15 Treatment-Based Drug Court Steering Committee.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31