

563-168AXA-32

Bill No. CS/HB 199, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Trovillion offered the following:

Amendment (with title amendment)

On page 2, line 1, through page 5, line 20,
remove from the bill: all of said lines,

and insert in lieu thereof:

Section 1. (1) It is the intent of the Legislature to implement treatment-based drug court programs in each judicial circuit in an effort to reduce crime and recidivism, abuse and neglect cases, and family dysfunction by breaking the cycle of addiction which is the most predominant cause of cases entering the justice system. The Legislature recognizes that the integration of judicial supervision, treatment, accountability, and sanctions greatly increases the effectiveness of substance abuse treatment. The Legislature also seeks to 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 between the public and private sectors and to the coordinated, supported, and integrated delivery of

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1 multiple-system services for substance abusers, including a
2 multiagency team approach to service delivery.

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

24 (3) The treatment-based drug court programs shall
25 include therapeutic jurisprudence principles and adhere to the
26 following 10 key components, recognized by the Drug Courts
27 Program Office of the Office of Justice Programs of the United
28 States Department of Justice and adopted by the Florida
29 Supreme Court Treatment-Based Drug Court Steering Committee:

30 (a) Drug court programs integrate alcohol and other
31 drug treatment services with justice system case processing.

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1 (b) Using a nonadversarial approach, prosecution and
2 defense counsel promote public safety while protecting
3 participants' due process rights.

4 (c) Eligible participants are identified early and
5 promptly placed in the drug court program.

6 (d) Drug court programs provide access to a continuum
7 of alcohol, drug, and other related treatment and
8 rehabilitation services.

9 (e) Abstinence is monitored by frequent testing for
10 alcohol and other drugs.

11 (f) A coordinated strategy governs drug court program
12 responses to participants' compliance.

13 (g) Ongoing judicial interaction with each drug court
14 program participant is essential.

15 (h) Monitoring and evaluation measure the achievement
16 of program goals and gauge program effectiveness.

17 (i) Continuing interdisciplinary education promotes
18 effective drug court program planning, implementation, and
19 operations.

20 (j) Forging partnerships among drug court programs,
21 public agencies, and community-based organizations generates
22 local support and enhances drug court program effectiveness.

23 (4) Treatment-based drug court programs may include
24 pretrial intervention programs as provided in ss. 948.08,
25 948.16, and 985.306, Florida Statutes.

26 (5)(a) The Florida Association of Drug Court Program
27 Professionals is created. The membership of the association
28 may consist of drug court program practitioners who comprise
29 the multidisciplinary drug court program team, including, but
30 not limited to, judges, state attorneys, defense counsel, drug
31 court program coordinators, probation officers, law

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1 enforcement officers, members of the academic community, and
2 treatment professionals. Membership in the association shall
3 be voluntary.

4 (b) The association shall annually elect a chair whose
5 duty is to solicit recommendations from members on issues
6 relating to the expansion, operation, and institutionalization
7 of drug court programs. The chair is responsible for
8 providing the association's recommendations to the Supreme
9 Court Treatment-Based Drug Court Steering Committee, and shall
10 submit a report each year, on or before October 1, to the
11 steering committee.

12 Section 2. Subsection (5) is added to section 910.035,
13 Florida Statutes, to read:

14 910.035 Transfer from county for plea and sentence.--

15 (5) Any person eligible for participation in a drug
16 court treatment program pursuant to s. 948.08(6) may be
17 eligible to have the case transferred to a county other than
18 that in which the charge arose if the drug court program
19 agrees and if the following conditions are met:

20 (a) The authorized representative of the drug court
21 program of the county requesting to transfer the case shall
22 consult with the authorized representative of the drug court
23 program in the county to which transfer is desired.

24 (b) If approval for transfer is received from all
25 parties, the trial court shall enter a transfer order
26 directing the clerk to transfer the case to the county which
27 has accepted the defendant into its drug court program.

28 (c) The transfer order shall include a copy of the
29 probable cause affidavit, any charging documents in the case,
30 all reports, witness statements, test results, evidence lists,
31 and other documents in the case, the defendant's mailing

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1 address and phone number, and the defendant's written consent
2 to abide by the rules and procedures of the receiving county's
3 drug court program.

4 (d) After the transfer takes place, the clerk shall
5 set the matter for a hearing before the drug court program
6 judge and the court shall ensure the defendant's entry into
7 the drug court program.

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 1, lines 4-10,
13 remove from the title of the bill: all of said lines,
14
15 and insert in lieu thereof:

16 drug court programs; requiring judicial
17 circuits to establish a model of
18 treatment-based drug court programs for certain
19 purposes; providing criteria; providing
20 legislative intent; providing certain
21 principles for operating drug court programs;
22 providing for inclusion of certain programs in
23 such drug court programs; amending s. 910.035,
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