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The Committee on Future of Florida's Families recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to substance abuse treatment and intervention; amending s. 39.001, F.S.; providing additional legislative findings and purposes with respect to the treatment of substance abuse; authorizing the court to require certain persons to undergo treatment following adjudication; amending ss. 39.402 and 39.407, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment upon a showing of good cause in connection with a shelter hearing or petition for dependency; authorizing sanctions for noncompliance; amending ss. 39.507 and 39.521, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment as part of an adjudicatory order or pursuant to a disposition hearing; requiring a showing of good cause; authorizing the court to require participation in a treatment-based drug court program; authorizing the



HB 0669

2003  
CS

29 | court to impose sanctions for noncompliance; amending s.  
30 | 39.701, F.S.; authorizing the court to extend the time for  
31 | completing a case plan during judicial review, based upon  
32 | participation in a treatment-based drug court program;  
33 | amending s. 397.334, F.S.; revising legislative intent  
34 | with respect to treatment-based drug court programs to  
35 | reflect participation by community support agencies, the  
36 | Department of Education, and other individuals; including  
37 | post adjudicatory programs as part of treatment-based drug  
38 | court programs; requiring each judicial circuit to  
39 | establish a position for a coordinator of the treatment-  
40 | based drug court program; requiring the chief judge of  
41 | each judicial circuit to appoint an advisory committee for  
42 | the treatment-based drug court program; providing for  
43 | membership of the committee; revising language with  
44 | respect to an annual report; amending s. 910.035, F.S.;  
45 | revising language with respect to conditions for the  
46 | transfer of a case in the drug court treatment program to  
47 | a county other than that in which the charge arose;  
48 | amending s. 948.08, F.S.; revising eligibility  
49 | requirements for participation in pretrial intervention  
50 | programs; authorizing the court to refer certain  
51 | defendants who are assessed with a substance abuse problem  
52 | to a pretrial intervention program with the approval of  
53 | the state attorney; deleting provisions authorizing  
54 | advisory committees for the district pretrial intervention  
55 | programs; amending s. 985.306, F.S.; revising eligibility  
56 | requirements for participation in delinquency pretrial



57 intervention programs; authorizing the court to refer  
 58 certain juveniles who are assessed as having a substance  
 59 abuse problem to a substance abuse education and treatment  
 60 intervention program; deleting provisions authorizing  
 61 advisory committees for the district delinquency pretrial  
 62 intervention program; providing an effective date.

63  
 64 Be It Enacted by the Legislature of the State of Florida:

65  
 66 Section 1. Subsection (4) of section 39.001, Florida  
 67 Statutes, is amended to read:

68 39.001 Purposes and intent; personnel standards and  
 69 screening.--

70 (4) SUBSTANCE ABUSE SERVICES.--

71 (a) The Legislature recognizes that substance abuse is a  
 72 primary cause of the dramatic rise in cases of child abuse and  
 73 neglect, immeasurably increases the complexity of cases in the  
 74 dependency system, severely compromises or destroys the ability  
 75 of parents to provide a safe and nurturing home for children,  
 76 and severely confounds the dependency system's ability to  
 77 protect children. The Legislature also recognizes that early  
 78 referral and comprehensive treatment can help combat substance  
 79 abuse in families and that treatment is cost-effective. The  
 80 Legislature further recognizes that treatment-based drug court  
 81 program models that integrate judicial supervision, treatment,  
 82 accountability, sanctions, and community support greatly  
 83 increase the effectiveness of substance abuse treatment and  
 84 reduce the number of cases of child abuse and neglect.



HB 0669

2003  
CS

85        (b) The substance abuse treatment and family safety  
86 programs of the Department of Children and Family Services have  
87 identified the following goals for this state:

88            1. Ensure the safety of children.

89            2. Prevent and remediate the consequences of substance  
90 abuse on families involved in protective supervision or foster  
91 care and reduce substance abuse, including alcohol abuse, for  
92 families who are at risk of being involved in protective  
93 supervision or foster care.

94            3. Expedite permanency for children and reunify healthy,  
95 intact families, when appropriate.

96            4. Support families in recovery.

97        (c) The Legislature finds that children in the care of the  
98 state's dependency system need appropriate health care services,  
99 that the impact of substance abuse on health indicates the need  
100 for health care services to include substance abuse services to  
101 children and parents where appropriate, and that it is in the  
102 state's best interest that such children be provided the  
103 services they need to enable them to become and remain  
104 independent of state care. In order to provide these services,  
105 the state's dependency system must have the ability to identify  
106 and provide appropriate intervention and treatment for children  
107 with personal or family-related substance abuse problems.

108        (d) It is the intent of the Legislature to encourage the  
109 court to support the drug court program model by assessing  
110 parents and children to identify and address substance abuse  
111 problems as the court deems appropriate at every stage of the  
112 dependency process. Participation in treatment, including a



HB 0669

2003  
CS

113 treatment-based drug court program, may be required by the court  
114 following adjudication. This subsection does not prevent a  
115 child's parents, and, when appropriate, the legal custodian,  
116 from voluntarily entering treatment, including a treatment-based  
117 drug court program, at the earliest stage of the process.  
118 Nothing in this section precludes a court from ordering drug  
119 testing where substance abuse is suspected to determine the  
120 safety of a child placement with a caretaker.

121 (e) It is therefore the purpose of the Legislature to  
122 provide authority for the state to contract with community  
123 substance abuse treatment providers for the development and  
124 operation of specialized support and overlay services for the  
125 dependency system, which will be fully implemented and used  
126 utilized as resources permit.

127 (f) It is the intent of the Legislature to encourage the  
128 Department of Children and Family Services, in conjunction with  
129 community agencies; treatment-based facilities; facilities  
130 dedicated to child welfare, child development, and mental health  
131 services; the Department of Health; other similar agencies;  
132 local governments; law enforcement agencies; and other  
133 interested public or private sources to support the drug court  
134 program model. Participation in the treatment-based drug court  
135 program does not divest any public or private agency of its  
136 responsibility for a child or adult, but enables these agencies  
137 to better meet their needs through shared responsibility and  
138 resources.

139 Section 2. Present subsections (11) through (16) of  
140 section 39.402, Florida Statutes, are renumbered as subsections



HB 0669

2003  
CS

141 (12) through (17), respectively, and a new subsection (11) is  
142 added to said section, to read:

143 39.402 Placement in a shelter.--

144 (11) At the shelter hearing, if the mental or physical  
145 condition of a child or the child's parent, caregiver, legal  
146 custodian, or other person requesting custody of the child is in  
147 controversy, the court may order the person to submit to a  
148 substance abuse assessment or evaluation. The assessment or  
149 evaluation must be administered by a qualified professional, as  
150 defined in s. 397.311. The order may be made only upon good  
151 cause shown and pursuant to the notice and procedures set forth  
152 in the Florida Rules of Juvenile Procedure.

153 Section 3. Section 39.407, Florida Statutes, is amended to  
154 read:

155 39.407 Medical, psychiatric, and psychological examination  
156 and treatment of child; physical, ~~or~~ mental, or substance abuse  
157 examination of parent or person requesting custody of child.--

158 (1) When any child is removed from the home and maintained  
159 in an out-of-home placement, the department is authorized to  
160 have a medical screening performed on the child without  
161 authorization from the court and without consent from a parent  
162 or legal custodian. Such medical screening shall be performed by  
163 a licensed health care professional and shall be to examine the  
164 child for injury, illness, and communicable diseases and to  
165 determine the need for immunization. The department shall by  
166 rule establish the invasiveness of the medical procedures  
167 authorized to be performed under this subsection. In no case



HB 0669

2003  
CS

168 | does this subsection authorize the department to consent to  
169 | medical treatment for such children.

170 |       (2) When the department has performed the medical  
171 | screening authorized by subsection (1), or when it is otherwise  
172 | determined by a licensed health care professional that a child  
173 | who is in an out-of-home placement, but who has not been  
174 | committed to the department, is in need of medical treatment,  
175 | including the need for immunization, consent for medical  
176 | treatment shall be obtained in the following manner:

177 |       (a)1. Consent to medical treatment shall be obtained from  
178 | a parent or legal custodian of the child; or

179 |       2. A court order for such treatment shall be obtained.

180 |       (b) If a parent or legal custodian of the child is  
181 | unavailable and his or her whereabouts cannot be reasonably  
182 | ascertained, and it is after normal working hours so that a  
183 | court order cannot reasonably be obtained, an authorized agent  
184 | of the department shall have the authority to consent to  
185 | necessary medical treatment, including immunization, for the  
186 | child. The authority of the department to consent to medical  
187 | treatment in this circumstance shall be limited to the time  
188 | reasonably necessary to obtain court authorization.

189 |       (c) If a parent or legal custodian of the child is  
190 | available but refuses to consent to the necessary treatment,  
191 | including immunization, a court order shall be required unless  
192 | the situation meets the definition of an emergency in s. 743.064  
193 | or the treatment needed is related to suspected abuse,  
194 | abandonment, or neglect of the child by a parent, caregiver, or  
195 | legal custodian. In such case, the department shall have the



HB 0669

2003  
CS

196 authority to consent to necessary medical treatment. This  
197 authority is limited to the time reasonably necessary to obtain  
198 court authorization.

199

200 In no case shall the department consent to sterilization,  
201 abortion, or termination of life support.

202 (3)(a) A judge may order a child in an out-of-home  
203 placement to be examined by a licensed health care professional.

204 (b) The judge may also order such child to be evaluated by  
205 a psychiatrist or a psychologist or, if a developmental  
206 disability is suspected or alleged, by the developmental  
207 disability diagnostic and evaluation team of the department. If  
208 it is necessary to place a child in a residential facility for  
209 such evaluation, the criteria and procedure established in s.  
210 394.463(2) or chapter 393 shall be used, whichever is  
211 applicable.

212 (c) The judge may also order such child to be evaluated by  
213 a district school board educational needs assessment team. The  
214 educational needs assessment provided by the district school  
215 board educational needs assessment team shall include, but not  
216 be limited to, reports of intelligence and achievement tests,  
217 screening for learning disabilities and other handicaps, and  
218 screening for the need for alternative education as defined in  
219 s. 1001.42.

220 (4) A judge may order a child in an out-of-home placement  
221 to be treated by a licensed health care professional based on  
222 evidence that the child should receive treatment. The judge may  
223 also order such child to receive mental health or developmental





HB 0669

2003  
CS

224 disabilities services from a psychiatrist, psychologist, or  
 225 other appropriate service provider. Except as provided in  
 226 subsection (5), if it is necessary to place the child in a  
 227 residential facility for such services, the procedures and  
 228 criteria established in s. 394.467 or chapter 393 shall be used,  
 229 whichever is applicable. A child may be provided developmental  
 230 disabilities or mental health services in emergency situations,  
 231 pursuant to the procedures and criteria contained in s.  
 232 394.463(1) or chapter 393, whichever is applicable.

233 (5) Children who are in the legal custody of the  
 234 department may be placed by the department, without prior  
 235 approval of the court, in a residential treatment center  
 236 licensed under s. 394.875 or a hospital licensed under chapter  
 237 395 for residential mental health treatment only pursuant to  
 238 this section or may be placed by the court in accordance with an  
 239 order of involuntary examination or involuntary placement  
 240 entered pursuant to s. 394.463 or s. 394.467. All children  
 241 placed in a residential treatment program under this subsection  
 242 must have a guardian ad litem appointed.

243 (a) As used in this subsection, the term:

244 1. "Residential treatment" means placement for  
 245 observation, diagnosis, or treatment of an emotional disturbance  
 246 in a residential treatment center licensed under s. 394.875 or a  
 247 hospital licensed under chapter 395.

248 2. "Least restrictive alternative" means the treatment and  
 249 conditions of treatment that, separately and in combination, are  
 250 no more intrusive or restrictive of freedom than reasonably



HB 0669

2003  
CS

251 necessary to achieve a substantial therapeutic benefit or to  
252 protect the child or adolescent or others from physical injury.

253 3. "Suitable for residential treatment" or "suitability"  
254 means a determination concerning a child or adolescent with an  
255 emotional disturbance as defined in s. 394.492(5) or a serious  
256 emotional disturbance as defined in s. 394.492(6) that each of  
257 the following criteria is met:

258 a. The child requires residential treatment.

259 b. The child is in need of a residential treatment program  
260 and is expected to benefit from mental health treatment.

261 c. An appropriate, less restrictive alternative to  
262 residential treatment is unavailable.

263 (b) Whenever the department believes that a child in its  
264 legal custody is emotionally disturbed and may need residential  
265 treatment, an examination and suitability assessment must be  
266 conducted by a qualified evaluator who is appointed by the  
267 Agency for Health Care Administration. This suitability  
268 assessment must be completed before the placement of the child  
269 in a residential treatment center for emotionally disturbed  
270 children and adolescents or a hospital. The qualified evaluator  
271 must be a psychiatrist or a psychologist licensed in Florida who  
272 has at least 3 years of experience in the diagnosis and  
273 treatment of serious emotional disturbances in children and  
274 adolescents and who has no actual or perceived conflict of  
275 interest with any inpatient facility or residential treatment  
276 center or program.

277 (c) Before a child is admitted under this subsection, the  
278 child shall be assessed for suitability for residential



HB 0669

2003  
CS

279 treatment by a qualified evaluator who has conducted a personal  
280 examination and assessment of the child and has made written  
281 findings that:

282 1. The child appears to have an emotional disturbance  
283 serious enough to require residential treatment and is  
284 reasonably likely to benefit from the treatment.

285 2. The child has been provided with a clinically  
286 appropriate explanation of the nature and purpose of the  
287 treatment.

288 3. All available modalities of treatment less restrictive  
289 than residential treatment have been considered, and a less  
290 restrictive alternative that would offer comparable benefits to  
291 the child is unavailable.

292

293 A copy of the written findings of the evaluation and suitability  
294 assessment must be provided to the department and to the  
295 guardian ad litem, who shall have the opportunity to discuss the  
296 findings with the evaluator.

297 (d) Immediately upon placing a child in a residential  
298 treatment program under this section, the department must notify  
299 the guardian ad litem and the court having jurisdiction over the  
300 child and must provide the guardian ad litem and the court with  
301 a copy of the assessment by the qualified evaluator.

302 (e) Within 10 days after the admission of a child to a  
303 residential treatment program, the director of the residential  
304 treatment program or the director's designee must ensure that an  
305 individualized plan of treatment has been prepared by the  
306 program and has been explained to the child, to the department,



HB 0669

2003  
CS

307 and to the guardian ad litem, and submitted to the department.  
308 The child must be involved in the preparation of the plan to the  
309 maximum feasible extent consistent with his or her ability to  
310 understand and participate, and the guardian ad litem and the  
311 child's foster parents must be involved to the maximum extent  
312 consistent with the child's treatment needs. The plan must  
313 include a preliminary plan for residential treatment and  
314 aftercare upon completion of residential treatment. The plan  
315 must include specific behavioral and emotional goals against  
316 which the success of the residential treatment may be measured.  
317 A copy of the plan must be provided to the child, to the  
318 guardian ad litem, and to the department.

319 (f) Within 30 days after admission, the residential  
320 treatment program must review the appropriateness and  
321 suitability of the child's placement in the program. The  
322 residential treatment program must determine whether the child  
323 is receiving benefit toward the treatment goals and whether the  
324 child could be treated in a less restrictive treatment program.  
325 The residential treatment program shall prepare a written report  
326 of its findings and submit the report to the guardian ad litem  
327 and to the department. The department must submit the report to  
328 the court. The report must include a discharge plan for the  
329 child. The residential treatment program must continue to  
330 evaluate the child's treatment progress every 30 days thereafter  
331 and must include its findings in a written report submitted to  
332 the department. The department may not reimburse a facility  
333 until the facility has submitted every written report that is  
334 due.



HB 0669

2003  
CS

335 (g)1. The department must submit, at the beginning of each  
336 month, to the court having jurisdiction over the child, a  
337 written report regarding the child's progress toward achieving  
338 the goals specified in the individualized plan of treatment.

339 2. The court must conduct a hearing to review the status  
340 of the child's residential treatment plan no later than 3 months  
341 after the child's admission to the residential treatment  
342 program. An independent review of the child's progress toward  
343 achieving the goals and objectives of the treatment plan must be  
344 completed by a qualified evaluator and submitted to the court  
345 before its 3-month review.

346 3. For any child in residential treatment at the time a  
347 judicial review is held pursuant to s. 39.701, the child's  
348 continued placement in residential treatment must be a subject  
349 of the judicial review.

350 4. If at any time the court determines that the child is  
351 not suitable for continued residential treatment, the court  
352 shall order the department to place the child in the least  
353 restrictive setting that is best suited to meet his or her  
354 needs.

355 (h) After the initial 3-month review, the court must  
356 conduct a review of the child's residential treatment plan every  
357 90 days.

358 (i) The department must adopt rules for implementing  
359 timeframes for the completion of suitability assessments by  
360 qualified evaluators and a procedure that includes timeframes  
361 for completing the 3-month independent review by the qualified  
362 evaluators of the child's progress toward achieving the goals



HB 0669

2003  
CS

363 and objectives of the treatment plan which review must be  
364 submitted to the court. The Agency for Health Care  
365 Administration must adopt rules for the registration of  
366 qualified evaluators, the procedure for selecting the evaluators  
367 to conduct the reviews required under this section, and a  
368 reasonable, cost-efficient fee schedule for qualified  
369 evaluators.

370 (6) When a child is in an out-of-home placement, a  
371 licensed health care professional shall be immediately called if  
372 there are indications of physical injury or illness, or the  
373 child shall be taken to the nearest available hospital for  
374 emergency care.

375 (7) Except as otherwise provided herein, nothing in this  
376 section shall be deemed to eliminate the right of a parent,  
377 legal custodian, or the child to consent to examination or  
378 treatment for the child.

379 (8) Except as otherwise provided herein, nothing in this  
380 section shall be deemed to alter the provisions of s. 743.064.

381 (9) A court shall not be precluded from ordering services  
382 or treatment to be provided to the child by a duly accredited  
383 practitioner who relies solely on spiritual means for healing in  
384 accordance with the tenets and practices of a church or  
385 religious organization, when required by the child's health and  
386 when requested by the child.

387 (10) Nothing in this section shall be construed to  
388 authorize the permanent sterilization of the child unless such  
389 sterilization is the result of or incidental to medically



HB 0669

2003  
CS

390 necessary treatment to protect or preserve the life of the  
391 child.

392 (11) For the purpose of obtaining an evaluation or  
393 examination, or receiving treatment as authorized pursuant to  
394 this section, no child alleged to be or found to be dependent  
395 shall be placed in a detention home or other program used  
396 primarily for the care and custody of children alleged or found  
397 to have committed delinquent acts.

398 (12) The parents or legal custodian of a child in an out-  
399 of-home placement remain financially responsible for the cost of  
400 medical treatment provided to the child even if either one or  
401 both of the parents or if the legal custodian did not consent to  
402 the medical treatment. After a hearing, the court may order the  
403 parents or legal custodian, if found able to do so, to reimburse  
404 the department or other provider of medical services for  
405 treatment provided.

406 (13) Nothing in this section alters the authority of the  
407 department to consent to medical treatment for a dependent child  
408 when the child has been committed to the department and the  
409 department has become the legal custodian of the child.

410 (14) At any time after the filing of a shelter petition or  
411 petition for dependency, when the mental or physical condition,  
412 including the blood group, of a parent, caregiver, legal  
413 custodian, or other person requesting custody of a child is in  
414 controversy, the court may order the person to submit to a  
415 physical or mental examination by a qualified professional. The  
416 order may be made only upon good cause shown and pursuant to



HB 0669

2003  
CS

417 notice and procedures as set forth by the Florida Rules of  
418 Juvenile Procedure.

419 (15) At any time after a shelter petition or petition for  
420 dependency is filed, if the mental or physical condition of a  
421 child or the child's parent, caregiver, legal custodian, or  
422 other person requesting custody of the child is in controversy,  
423 the court, if it has not already done so, may order the person  
424 to submit to a substance abuse assessment and evaluation. The  
425 assessment or evaluation must be administered by a qualified  
426 professional, as defined in s. 397.311. The order may be made  
427 only upon good cause shown and pursuant to the notice and  
428 procedures set forth in the Florida Rules of Juvenile Procedure.

429 Section 4. Subsection (9) is added to section 39.507,  
430 Florida Statutes, to read:

431 39.507 Adjudicatory hearings; orders of adjudication.--

432 (9) If the mental or physical condition of a child or the  
433 child's parent, caregiver, legal custodian, or other person  
434 requesting custody of the child is in controversy, the court, if  
435 it has not already done so, may require the person to submit to  
436 a substance abuse assessment or evaluation. The assessment or  
437 evaluation must be administered by a qualified professional, as  
438 defined in s. 397.311. The court may also require such person to  
439 participate in and comply with treatment and services identified  
440 as necessary, including, when appropriate and available,  
441 participation and compliance with a treatment-based drug court  
442 program. The court, including the treatment-based drug court  
443 program, shall oversee the progress and compliance with  
444 treatment by the child or the child's parent, legal custodian,





HB 0669

2003  
CS

445 caregiver, or other person requesting custody of the child, and  
446 shall impose appropriate available sanctions for noncompliance  
447 upon the child's parent, legal custodian, caregiver, or other  
448 person requesting custody of the child. Any order entered under  
449 this subsection may be made only upon good cause shown and  
450 pursuant to the notice and procedures set forth in the Florida  
451 Rules of Juvenile Procedure.

452 Section 5. Paragraph (b) of subsection (1) of section  
453 39.521, Florida Statutes, is amended to read:

454 39.521 Disposition hearings; powers of disposition.--

455 (1) A disposition hearing shall be conducted by the court,  
456 if the court finds that the facts alleged in the petition for  
457 dependency were proven in the adjudicatory hearing, or if the  
458 parents or legal custodians have consented to the finding of  
459 dependency or admitted the allegations in the petition, have  
460 failed to appear for the arraignment hearing after proper  
461 notice, or have not been located despite a diligent search  
462 having been conducted.

463 (b) When any child is adjudicated by a court to be  
464 dependent, the court having jurisdiction of the child has the  
465 power by order to:

466 1. Require, if the court has not already done so, a child  
467 or the child's parent, caregiver, legal custodian, or other  
468 person requesting custody of the child to submit to a substance  
469 abuse assessment or evaluation when such person's mental or  
470 physical condition is in controversy. The assessment or  
471 evaluation must be administered by a qualified professional, as  
472 defined in s. 397.311. The court may also require such person to



HB 0669

2003  
CS

473 participate in treatment and services identified as necessary,  
474 including participation and compliance with a treatment-based  
475 drug court program, when appropriate and if available. The  
476 court, including the treatment-based drug court program, shall  
477 oversee the progress and compliance with treatment by the child  
478 or the child's parent, legal custodian, caregiver, or other  
479 person requesting custody of the child, and shall impose  
480 appropriate available sanctions for noncompliance upon the  
481 child's parent, legal custodian, caregiver, or other person  
482 requesting custody of the child. Any order entered under this  
483 paragraph may be made only upon good cause shown and pursuant to  
484 the notice and procedures set forth in the Florida Rules of  
485 Juvenile Procedure. ~~the parent and, when appropriate, the legal~~  
486 ~~eustodian and the child, to participate in treatment and~~  
487 ~~services identified as necessary.~~

488 2. Require, if the court deems necessary, the parties to  
489 participate in dependency mediation.

490 3. Require placement of the child either under the  
491 protective supervision of an authorized agent of the department  
492 in the home of one or both of the child's parents or in the home  
493 of a relative of the child or another adult approved by the  
494 court, or in the custody of the department. Protective  
495 supervision continues until the court terminates it or until the  
496 child reaches the age of 18, whichever date is first. Protective  
497 supervision shall be terminated by the court whenever the court  
498 determines that permanency has been achieved for the child,  
499 whether with a parent, another relative, or a legal custodian,  
500 and that protective supervision is no longer needed. The



HB 0669

2003  
CS

501 termination of supervision may be with or without retaining  
502 jurisdiction, at the court's discretion, and shall in either  
503 case be considered a permanency option for the child. The order  
504 terminating supervision by the department shall set forth the  
505 powers of the custodian of the child and shall include the  
506 powers ordinarily granted to a guardian of the person of a minor  
507 unless otherwise specified. Upon the court's termination of  
508 supervision by the department, no further judicial reviews are  
509 required, so long as permanency has been established for the  
510 child.

511 Section 6. Paragraph (d) of subsection (8) of section  
512 39.701, Florida Statutes, is amended to read:

513 39.701 Judicial review.--

514 (8)

515 (d) The court may extend the time limitation of the case  
516 plan, or may modify the terms of the plan, which, in addition to  
517 other modifications, may include a requirement that the parent,  
518 foster parent, or legal custodian participate in a treatment-  
519 based drug court program, based upon information provided by the  
520 social service agency, and the guardian ad litem, if one has  
521 been appointed, the parent or parents, and the foster parents or  
522 legal custodian, and any other competent information on record  
523 demonstrating the need for the amendment. If the court extends  
524 the time limitation of the case plan, the court must make  
525 specific findings concerning the frequency of past parent-child  
526 visitation, if any, and the court may authorize the expansion or  
527 restriction of future visitation. Modifications to the plan must  
528 be handled as prescribed in s. 39.601. Any extension of a case



HB 0669

2003  
CS

529 | plan must comply with the time requirements and other  
530 | requirements specified by this chapter.

531 |       Section 7. Section 397.334, Florida Statutes, is amended  
532 | to read:

533 |       397.334 Treatment-based drug court programs.--

534 |       (1) It is the intent of the Legislature to implement  
535 | treatment-based drug court programs in each judicial circuit in  
536 | an effort to reduce crime and recidivism, abuse and neglect  
537 | cases, and family dysfunction by breaking the cycle of  
538 | addiction, which is the most predominant cause of cases entering  
539 | the justice system. The Legislature recognizes that the  
540 | integration of judicial supervision, treatment, accountability,  
541 | ~~and sanctions,~~ and community support greatly increases the  
542 | effectiveness of substance abuse treatment. The Legislature  
543 | also seeks to ensure that there is a coordinated, integrated,  
544 | and multidisciplinary response to the substance abuse problem in  
545 | this state, with special attention given to the creation of  
546 | ~~creating~~ partnerships among ~~between~~ the public, community, and  
547 | private sectors and to the coordinated, supported, and  
548 | integrated delivery of multiple-system services for substance  
549 | abusers, including a ~~multiagency~~ team approach to service  
550 | delivery and aftercare services.

551 |       (2) Each judicial circuit shall establish a model of a  
552 | treatment-based drug court program under which persons in the  
553 | justice system assessed with a substance abuse problem will be  
554 | processed in such a manner as to appropriately address the  
555 | severity of the identified substance abuse problem through  
556 | treatment services ~~plans~~ tailored to the individual needs of the



HB 0669

2003  
CS

557 participant. These treatment-based drug court program models may  
558 be established in the misdemeanor, felony, family, delinquency,  
559 and dependency divisions of the judicial circuits. It is the  
560 intent of the Legislature to encourage the Department of  
561 Corrections, the Department of Children and Family Services, the  
562 Department of Juvenile Justice, the Department of Health, the  
563 Department of Law Enforcement, the Department of Education, and  
564 other such ~~other~~ agencies, local governments, law enforcement  
565 agencies, ~~and~~ other interested public or private sources, and  
566 individuals to support the creation and establishment of these  
567 problem-solving court programs. Participation in the treatment-  
568 based drug court programs does not divest any public or private  
569 agency of its responsibility for a child or adult, but enables  
570 ~~allows~~ these agencies to better meet their needs through shared  
571 responsibility and resources.

572 (3) The treatment-based drug court programs shall include  
573 therapeutic jurisprudence and restorative justice principles and  
574 adhere to the following 10 key components, recognized by the  
575 Drug Courts Program Office of the Office of Justice Programs of  
576 the United States Department of Justice and adopted by the  
577 Florida Supreme Court Treatment-Based Drug Court Steering  
578 Committee:

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

581 (b) Using a nonadversarial approach, prosecution and  
582 defense counsel promote public safety while protecting  
583 participants' due process rights.



HB 0669

2003  
CS

- 584 (c) Eligible participants are identified early and  
585 promptly placed in the drug court program.
- 586 (d) Drug court programs provide access to a continuum of  
587 alcohol, drug, and other related treatment and rehabilitation  
588 services.
- 589 (e) Abstinence is monitored by frequent testing for  
590 alcohol and other drugs.
- 591 (f) A coordinated strategy governs drug court program  
592 responses to participants' compliance.
- 593 (g) Ongoing judicial interaction with each drug court  
594 program participant is essential.
- 595 (h) Monitoring and evaluation measure the achievement of  
596 program goals and gauge program effectiveness.
- 597 (i) Continuing interdisciplinary education promotes  
598 effective drug court program planning, implementation, and  
599 operations.
- 600 (j) Forging partnerships among drug court programs, public  
601 agencies, and community-based organizations generates local  
602 support and enhances drug court program effectiveness.
- 603 (4) Treatment-based drug court programs may include  
604 pretrial intervention programs as provided in ss. 948.08,  
605 948.16, and 985.306, post adjudicatory programs, and the  
606 monitoring of sentenced offenders through a treatment-based drug  
607 court program. Supervision may also be provided for offenders  
608 who transfer from jail or a prison-based treatment program into  
609 the community.
- 610 (5) Contingent upon an annual appropriation by the  
611 Legislature, each judicial circuit shall establish, at a



HB 0669

2003  
CS

612 minimum, one coordinator position for the treatment-based drug  
613 court program within the state courts system to coordinate the  
614 responsibilities of the participating agencies and service  
615 providers. Each coordinator shall provide direct support to the  
616 treatment-based drug court program by providing coordination  
617 between the multidisciplinary team and the judiciary, providing  
618 case management, monitoring compliance of the participants in  
619 the treatment-based drug court program with court requirements,  
620 and providing program evaluation and accountability.

621 (6)(5)(a) The Florida Association of Drug Court ~~Program~~  
622 Professionals is created. The membership of the association may  
623 consist of treatment-based drug court program practitioners who  
624 comprise the multidisciplinary treatment-based drug court  
625 program team, including, but not limited to, judges, state  
626 attorneys, defense counsel, ~~drug court~~ program coordinators,  
627 probation officers, law enforcement officers, community  
628 representatives, members of the academic community, and  
629 treatment professionals. Membership in the association shall be  
630 voluntary.

631 (b) The association shall annually elect a chair whose  
632 duty is to solicit recommendations from members on issues  
633 relating to the expansion, operation, and institutionalization  
634 of treatment-based drug court programs. The chair is  
635 responsible for providing the association's recommendations  
636 together with a report each year, on or before October 1, to the  
637 appropriate Supreme Court committee or personnel of the Office  
638 of the State Courts Administrator ~~Supreme Court Treatment-Based~~



HB 0669

2003  
CS

639 ~~Drug Court Steering Committee, and shall submit a report each~~  
640 ~~year, on or before October 1, to the steering committee.~~

641 (7) The chief judge of each judicial circuit may appoint  
642 an advisory committee for the treatment-based drug court  
643 program. The committee shall be composed of the chief judge or  
644 his or her designee, who shall serve as chair; the judge of the  
645 treatment-based drug court program, if not otherwise designated  
646 by the chief judge as his or her designee; the state attorney,  
647 or his or her designee; the public defender, or his or her  
648 designee; the treatment-based drug court program coordinators;  
649 community representatives; and any other persons the chair finds  
650 are appropriate.

651 Section 8. Subsection (5) of section 910.035, Florida  
652 Statutes, is amended to read:

653 910.035 Transfer from county for plea and sentence.--

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

659 (a) The authorized representative of the drug court  
660 program of the county requesting to transfer the case shall  
661 consult with the authorized representative of the drug court  
662 program in the county to which transfer is desired.

663 (b) If approval for transfer is received from all parties,  
664 the trial court shall accept a plea of nolo contendere and enter  
665 a transfer order directing the clerk to transfer the case to the





HB 0669

2003  
CS

666 county which has accepted the defendant into its drug court  
667 program.

668 (c) The transfer order shall include a copy of the  
669 probable cause affidavit; any charging documents in the case;  
670 all reports, witness statements, test results, evidence lists,  
671 and other documents in the case; the defendant's mailing address  
672 and phone number; and the defendant's written consent to abide  
673 by the rules and procedures of the receiving county's drug court  
674 program.

675 (d) After the transfer takes place, the clerk shall set  
676 the matter for a hearing before the drug court program judge and  
677 the court shall ensure the defendant's entry into the drug court  
678 program.

679 (e) Upon successful completion of the drug court program,  
680 the jurisdiction to which the case has been transferred shall  
681 dispose of the case pursuant to s. 948.08(6). If the defendant  
682 does not complete the drug court program successfully, the  
683 jurisdiction to which the case has been transferred shall  
684 dispose of the case within the guidelines of the Criminal  
685 Punishment Code ~~case shall be prosecuted as determined by the~~  
686 ~~state attorneys of the sending and receiving counties.~~

687 Section 9. Subsections (6), (7), and (8) of section  
688 948.08, Florida Statutes, are amended to read:

689 948.08 Pretrial intervention program.--

690 (6)(a) Notwithstanding any provision of this section, a  
691 person who is charged with a felony of the second or third  
692 degree for purchase or possession of a controlled substance  
693 under chapter 893, prostitution, tampering with evidence,



HB 0669

2003  
CS

694 solicitation for purchase of a controlled substance, or  
695 obtaining a prescription by fraud; who has not been charged with  
696 a crime involving violence, including, but not limited to,  
697 murder, sexual battery, robbery, carjacking, home-invasion  
698 robbery, or any other crime involving violence; and who has not  
699 previously been convicted of a felony ~~nor been admitted to a~~  
700 ~~felony pretrial program referred to in this section~~ is eligible  
701 for admission into a pretrial substance abuse education and  
702 treatment intervention program approved by the chief judge of  
703 the circuit, for a period of not less than 1 year in duration,  
704 upon motion of either party or the court's own motion, except:

705 ~~1. If a defendant was previously offered admission to a~~  
706 ~~pretrial substance abuse education and treatment intervention~~  
707 ~~program at any time prior to trial and the defendant rejected~~  
708 ~~that offer on the record, then the court or the state attorney~~  
709 ~~may deny the defendant's admission to such a program.~~

710 1.2. If the state attorney believes that the facts and  
711 circumstances of the case suggest the defendant's involvement in  
712 the dealing and selling of controlled substances, the court  
713 shall hold a preadmission hearing. If the state attorney  
714 establishes, by a preponderance of the evidence at such hearing,  
715 that the defendant was involved in the dealing or selling of  
716 controlled substances, the court shall deny the defendant's  
717 admission into a pretrial intervention program.

718 2. A defendant assessed with a substance abuse problem who  
719 is charged for the first time with a nonviolent third degree  
720 felony and a defendant assessed with a substance abuse problem  
721 who has previously been convicted of a nonviolent third degree



HB 0669

2003  
CS

722 felony who is charged with a second or subsequent nonviolent  
723 third degree felony may, with the approval of the state  
724 attorney, be referred to the program outlined in this  
725 subsection. Upon successful completion of the program, the  
726 defendant is entitled to dismissal of the pending charge  
727 involving a nonviolent third degree felony.

728 (b) At the end of the pretrial intervention period, the  
729 court shall consider the recommendation of the administrator  
730 pursuant to subsection (5) and the recommendation of the state  
731 attorney as to disposition of the pending charges. The court  
732 shall determine, by written finding, whether the defendant has  
733 successfully completed the pretrial intervention program.

734 (c)1. If the court finds that the defendant has not  
735 successfully completed the pretrial intervention program, the  
736 court may order the person to continue in education and  
737 treatment or order that the charges revert to normal channels  
738 for prosecution.

739 2. The court shall dismiss the charges upon a finding that  
740 the defendant has successfully completed the pretrial  
741 intervention program.

742 (d) Any entity, whether public or private, providing a  
743 pretrial substance abuse education and treatment intervention  
744 program under this subsection must contract with the county or  
745 appropriate governmental entity, and the terms of the contract  
746 must include, but need not be limited to, the requirements  
747 established for private entities under s. 948.15(3).

748 ~~(7) The chief judge in each circuit may appoint an~~  
749 ~~advisory committee for the pretrial intervention program~~



HB 0669

2003  
CS

750 ~~composed of the chief judge or his or her designee, who shall~~  
751 ~~serve as chair; the state attorney, the public defender, and the~~  
752 ~~program administrator, or their designees; and such other~~  
753 ~~persons as the chair deems appropriate. The advisory committee~~  
754 ~~may not designate any defendant eligible for a pretrial~~  
755 ~~intervention program for any offense that is not listed under~~  
756 ~~paragraph (6)(a) without the state attorney's recommendation and~~  
757 ~~approval. The committee may also include persons representing~~  
758 ~~any other agencies to which persons released to the pretrial~~  
759 ~~intervention program may be referred.~~

760 ~~(7)(8)~~ The department may contract for the services and  
761 facilities necessary to operate pretrial intervention programs.

762 Section 10. Section 985.306, Florida Statutes, is amended  
763 to read:

764 985.306 Delinquency pretrial intervention program.--

765 (1)~~(a)~~ Notwithstanding any provision of law to the  
766 contrary, a child who is charged ~~under chapter 893~~ with a  
767 misdemeanor; a felony of the second or third degree for purchase  
768 or possession of a controlled substance under chapter 893;  
769 tampering with evidence, solicitation for purchase of a  
770 controlled substance, or obtaining a prescription by fraud, and  
771 who has not previously been adjudicated for a felony ~~nor been~~  
772 ~~admitted to a delinquency pretrial intervention program under~~  
773 ~~this section~~, is eligible for admission into a delinquency  
774 pretrial substance abuse education and treatment intervention  
775 program approved by the chief judge or alternative sanctions  
776 coordinator of the circuit to the extent that funded programs  
777 are available, for a period based on the program requirements



HB 0669

2003  
CS

778 and the treatment services that are suitable for the offender of  
779 not less than 1 year in duration, upon motion of either party or  
780 the court's own motion, except:-

781 (a) If the state attorney believes that the facts and  
782 circumstances of the case suggest the child's involvement in the  
783 dealing and selling of controlled substances, the court shall  
784 hold a preadmission hearing. If the state attorney establishes  
785 by a preponderance of the evidence at such hearing that the  
786 child was involved in the dealing and selling of controlled  
787 substances, the court shall deny the child's admission into a  
788 delinquency pretrial intervention program.

789 (b) A child assessed with a substance abuse problem who is  
790 charged for the first time with a nonviolent third degree felony  
791 and a child assessed with a substance abuse problem who has  
792 previously been adjudicated guilty of or delinquent for a  
793 nonviolent third degree felony who is charged with a second or  
794 subsequent nonviolent third degree felony may, with the approval  
795 of the state attorney, be referred to the program outlined in  
796 this subsection. Upon successful completion of the program, the  
797 child is entitled to dismissal of the pending charge as provided  
798 in paragraph (3)(b).

799 (2)(b) At the end of the delinquency pretrial intervention  
800 period, the court shall consider the recommendation of the state  
801 attorney and the program administrator as to disposition of the  
802 pending charges. The court shall determine, by written finding,  
803 whether the child has successfully completed the delinquency  
804 pretrial intervention program.



HB 0669

2003  
CS

805        (3)(a)~~(e)~~1. If the court finds that the child has not  
806 successfully completed the delinquency pretrial intervention  
807 program, the court may order the child to continue in an  
808 education, treatment, or urine monitoring program if resources  
809 and funding are available or order that the charges revert to  
810 normal channels for prosecution.

811        (b)2. The court may dismiss the charges upon a finding  
812 that the child has successfully completed the delinquency  
813 pretrial intervention program.

814        (4)~~(d)~~ Any entity, whether public or private, providing  
815 pretrial substance abuse education, treatment intervention, and  
816 a urine monitoring program under this section must contract with  
817 the county or appropriate governmental entity, and the terms of  
818 the contract must include, but need not be limited to, the  
819 requirements established for private entities under s.  
820 948.15(3). It is the intent of the Legislature that public or  
821 private entities providing substance abuse education and  
822 treatment intervention programs involve the active participation  
823 of parents, schools, churches, businesses, law enforcement  
824 agencies, and the department or its contract providers.

825        ~~(2) The chief judge in each circuit may appoint an~~  
826 ~~advisory committee for the delinquency pretrial intervention~~  
827 ~~program composed of the chief judge or designee, who shall serve~~  
828 ~~as chair; the state attorney, the public defender, and the~~  
829 ~~program administrator, or their designees; and such other~~  
830 ~~persons as the chair deems appropriate. The committee may also~~  
831 ~~include persons representing any other agencies to which~~



HB 0669

2003  
CS

832 ~~children released to the delinquency pretrial intervention~~  
833 ~~program may be referred.~~

834 Section 11. This act shall take effect July 1, 2003.

835