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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 court to impose sanctions for noncompliance; amending s. 39.701, F.S.; authorizing the court to extend the time for completing a case plan during judicial review, based upon participation in a treatment-based drug court program; amending s. 397.334, F.S.; revising legislative intent with respect to treatment-based drug court programs to reflect participation by community support agencies, the Department of Education, and other individuals; including postadjudicatory programs as part of treatment-based drug court programs; requiring each judicial circuit to establish a position for a coordinator of the treatment-based drug court program; requiring the chief judge of each judicial circuit to appoint an advisory committee for

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31 the treatment-based drug court program; providing for
 32 membership of the committee; revising language with
 33 respect to an annual report; amending s. 910.035, F.S.;
 34 revising language with respect to conditions for the
 35 transfer of a case in the drug court treatment program to
 36 a county other than that in which the charge arose;
 37 amending s. 948.08, F.S.; revising eligibility
 38 requirements for participation in pretrial intervention
 39 programs; authorizing the court to refer certain
 40 defendants who are assessed with a substance abuse problem
 41 to a pretrial intervention program with the approval of
 42 the state attorney; deleting provisions authorizing
 43 advisory committees for the district pretrial intervention
 44 programs; amending s. 985.306, F.S.; revising eligibility
 45 requirements for participation in delinquency pretrial
 46 intervention programs; authorizing the court to refer
 47 certain juveniles who are assessed as having a substance
 48 abuse problem to a substance abuse education and treatment
 49 intervention program; deleting provisions authorizing
 50 advisory committees for the district delinquency pretrial
 51 intervention program; providing an effective date.

52
 53 Be It Enacted by the Legislature of the State of Florida:

54
 55 Section 1. Subsection (4) of section 39.001, Florida
 56 Statutes, is amended to read:

57 39.001 Purposes and intent; personnel standards and
 58 screening.--

59 (4) SUBSTANCE ABUSE SERVICES.--

60 (a) The Legislature recognizes that substance abuse is a

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61 primary cause of the dramatic rise in cases of child abuse and
 62 neglect, immeasurably increases the complexity of cases in the
 63 dependency system, severely compromises or destroys the ability
 64 of parents to provide a safe and nurturing home for children,
 65 and severely confounds the dependency system's ability to
 66 protect children. The Legislature also recognizes that early
 67 referral and comprehensive treatment can help combat substance
 68 abuse in families and that treatment is cost effective. The
 69 Legislature further recognizes that treatment-based drug court
 70 program models that integrate judicial supervision, treatment,
 71 accountability, sanctions, and community support greatly
 72 increase the effectiveness of substance abuse treatment and
 73 reduce the number of cases of child abuse and neglect.

74 (b) The substance abuse treatment and family safety
 75 programs of the Department of Children and Family Services have
 76 identified the following goals for the state:

- 77 1. To ensure the safety of children.
- 78 2. To prevent and remediate the consequences of substance
 79 abuse on families involved in protective supervision or foster
 80 care and reduce substance abuse, including alcohol abuse, for
 81 families who are at risk of being involved in protective
 82 supervision or foster care.
- 83 3. To expedite permanency for children and reunify
 84 healthy, intact families, when appropriate.
- 85 4. To support families in recovery.

86 (c) The Legislature finds that children in the care of the
 87 state's dependency system need appropriate health care services,
 88 that the impact of substance abuse on health indicates the need
 89 for health care services to include substance abuse services to
 90 children and parents where appropriate, and that it is in the

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91 state's best interest that such children be provided the
92 services they need to enable them to become and remain
93 independent of state care. In order to provide these services,
94 the state's dependency system must have the ability to identify
95 and provide appropriate intervention and treatment for children
96 with personal or family-related substance abuse problems.

97 (d) It is the intent of the Legislature to encourage the
98 court to support the drug court program model by assessing
99 parents and children to identify and address substance abuse
100 problems as the court deems appropriate at every stage of the
101 dependency process. Participation in treatment, including a
102 treatment-based drug court program, may be required by the court
103 following adjudication. This subsection does not prevent a
104 child's parents and, when appropriate, the legal custodian from
105 voluntarily entering treatment, including a treatment-based drug
106 court program, at the earliest stage of the process. Nothing in
107 this section precludes a court from ordering drug testing where
108 substance abuse is suspected to determine the safety of the
109 placement of a child with a caretaker.

110 (e) It is therefore the purpose of the Legislature to
111 provide authority for the state to contract with community
112 substance abuse treatment providers for the development and
113 operation of specialized support and overlay services for the
114 dependency system, which will be fully implemented and used
115 ~~utilized~~ as resources permit.

116 (f) It is the intent of the Legislature to encourage the
117 Department of Children and Family Services, in conjunction with
118 community agencies; treatment-based facilities; facilities
119 dedicated to child welfare, child development, and mental health
120 services; the Department of Health; other similar agencies;

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121 local governments; law enforcement agencies; and other
 122 interested public or private sources to support the drug court
 123 program model. Participation in the treatment-based drug court
 124 program does not divest any public or private agency of its
 125 responsibility for a child or adult, but enables these agencies
 126 to better meet their needs through shared responsibility and
 127 resources.

128 Section 2. Subsections (11) through (16) of section
 129 39.402, Florida Statutes, are renumbered as subsections (12)
 130 through (17), respectively, and a new subsection (11) is added
 131 to said section to read:

132 39.402 Placement in a shelter.--

133 (11) At the shelter hearing, if the mental or physical
 134 condition of a child or the child's parent, caregiver, legal
 135 custodian, or other person requesting custody of the child is in
 136 controversy, the court may order the person to submit to a
 137 substance abuse assessment or evaluation. The assessment or
 138 evaluation must be administered by a qualified professional, as
 139 defined in s. 397.311. The order may be made only upon good
 140 cause shown and pursuant to the notice and procedures set forth
 141 in the Florida Rules of Juvenile Procedure.

142 Section 3. Section 39.407, Florida Statutes, is amended to
 143 read:

144 39.407 Medical, psychiatric, and psychological examination
 145 and treatment of child; physical, ~~or~~ mental, or substance abuse
 146 examination of parent or person requesting custody of child.--

147 (1) When any child is removed from the home and maintained
 148 in an out-of-home placement, the department is authorized to
 149 have a medical screening performed on the child without
 150 authorization from the court and without consent from a parent

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151 or legal custodian. Such medical screening shall be performed by
 152 a licensed health care professional and shall be to examine the
 153 child for injury, illness, and communicable diseases and to
 154 determine the need for immunization. The department shall by
 155 rule establish the invasiveness of the medical procedures
 156 authorized to be performed under this subsection. In no case
 157 does this subsection authorize the department to consent to
 158 medical treatment for such children.

159 (2) When the department has performed the medical
 160 screening authorized by subsection (1), or when it is otherwise
 161 determined by a licensed health care professional that a child
 162 who is in an out-of-home placement, but who has not been
 163 committed to the department, is in need of medical treatment,
 164 including the need for immunization, consent for medical
 165 treatment shall be obtained in the following manner:

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

168 2. A court order for such treatment shall be obtained.

169 (b) If a parent or legal custodian of the child is
 170 unavailable and his or her whereabouts cannot be reasonably
 171 ascertained, and it is after normal working hours so that a
 172 court order cannot reasonably be obtained, an authorized agent
 173 of the department shall have the authority to consent to
 174 necessary medical treatment, including immunization, for the
 175 child. The authority of the department to consent to medical
 176 treatment in this circumstance shall be limited to the time
 177 reasonably necessary to obtain court authorization.

178 (c) If a parent or legal custodian of the child is
 179 available but refuses to consent to the necessary treatment,
 180 including immunization, a court order shall be required unless

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181 the situation meets the definition of an emergency in s. 743.064
 182 or the treatment needed is related to suspected abuse,
 183 abandonment, or neglect of the child by a parent, caregiver, or
 184 legal custodian. In such case, the department shall have the
 185 authority to consent to necessary medical treatment. This
 186 authority is limited to the time reasonably necessary to obtain
 187 court authorization.

188
 189 In no case shall the department consent to sterilization,
 190 abortion, or termination of life support.

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

193 (b) The judge may also order such child to be evaluated by
 194 a psychiatrist or a psychologist or, if a developmental
 195 disability is suspected or alleged, by the developmental
 196 disability diagnostic and evaluation team of the department. If
 197 it is necessary to place a child in a residential facility for
 198 such evaluation, the criteria and procedure established in s.
 199 394.463(2) or chapter 393 shall be used, whichever is
 200 applicable.

201 (c) The judge may also order such child to be evaluated by
 202 a district school board educational needs assessment team. The
 203 educational needs assessment provided by the district school
 204 board educational needs assessment team shall include, but not
 205 be limited to, reports of intelligence and achievement tests,
 206 screening for learning disabilities and other handicaps, and
 207 screening for the need for alternative education as defined in
 208 s. 1001.42.

209 (4) A judge may order a child in an out-of-home placement
 210 to be treated by a licensed health care professional based on

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211 evidence that the child should receive treatment. The judge may
 212 also order such child to receive mental health or developmental
 213 disabilities services from a psychiatrist, psychologist, or
 214 other appropriate service provider. Except as provided in
 215 subsection (5), if it is necessary to place the child in a
 216 residential facility for such services, the procedures and
 217 criteria established in s. 394.467 or chapter 393 shall be used,
 218 whichever is applicable. A child may be provided developmental
 219 disabilities or mental health services in emergency situations,
 220 pursuant to the procedures and criteria contained in s.
 221 394.463(1) or chapter 393, whichever is applicable.

222 (5) Children who are in the legal custody of the
 223 department may be placed by the department, without prior
 224 approval of the court, in a residential treatment center
 225 licensed under s. 394.875 or a hospital licensed under chapter
 226 395 for residential mental health treatment only pursuant to
 227 this section or may be placed by the court in accordance with an
 228 order of involuntary examination or involuntary placement
 229 entered pursuant to s. 394.463 or s. 394.467. All children
 230 placed in a residential treatment program under this subsection
 231 must have a guardian ad litem appointed.

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

233 1. "Residential treatment" means placement for
 234 observation, diagnosis, or treatment of an emotional disturbance
 235 in a residential treatment center licensed under s. 394.875 or a
 236 hospital licensed under chapter 395.

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

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

242 3. "Suitable for residential treatment" or "suitability"
 243 means a determination concerning a child or adolescent with an
 244 emotional disturbance as defined in s. 394.492(5) or a serious
 245 emotional disturbance as defined in s. 394.492(6) that each of
 246 the following criteria is met:

247 a. The child requires residential treatment.

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

250 c. An appropriate, less restrictive alternative to
 251 residential treatment is unavailable.

252 (b) Whenever the department believes that a child in its
 253 legal custody is emotionally disturbed and may need residential
 254 treatment, an examination and suitability assessment must be
 255 conducted by a qualified evaluator who is appointed by the
 256 Agency for Health Care Administration. This suitability
 257 assessment must be completed before the placement of the child
 258 in a residential treatment center for emotionally disturbed
 259 children and adolescents or a hospital. The qualified evaluator
 260 must be a psychiatrist or a psychologist licensed in Florida who
 261 has at least 3 years of experience in the diagnosis and
 262 treatment of serious emotional disturbances in children and
 263 adolescents and who has no actual or perceived conflict of
 264 interest with any inpatient facility or residential treatment
 265 center or program.

266 (c) Before a child is admitted under this subsection, the
 267 child shall be assessed for suitability for residential
 268 treatment by a qualified evaluator who has conducted a personal

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269 examination and assessment of the child and has made written
 270 findings that:

271 1. The child appears to have an emotional disturbance
 272 serious enough to require residential treatment and is
 273 reasonably likely to benefit from the treatment.

274 2. The child has been provided with a clinically
 275 appropriate explanation of the nature and purpose of the
 276 treatment.

277 3. All available modalities of treatment less restrictive
 278 than residential treatment have been considered, and a less
 279 restrictive alternative that would offer comparable benefits to
 280 the child is unavailable.

281
 282 A copy of the written findings of the evaluation and suitability
 283 assessment must be provided to the department and to the
 284 guardian ad litem, who shall have the opportunity to discuss the
 285 findings with the evaluator.

286 (d) Immediately upon placing a child in a residential
 287 treatment program under this section, the department must notify
 288 the guardian ad litem and the court having jurisdiction over the
 289 child and must provide the guardian ad litem and the court with
 290 a copy of the assessment by the qualified evaluator.

291 (e) Within 10 days after the admission of a child to a
 292 residential treatment program, the director of the residential
 293 treatment program or the director's designee must ensure that an
 294 individualized plan of treatment has been prepared by the
 295 program and has been explained to the child, to the department,
 296 and to the guardian ad litem, and submitted to the department.
 297 The child must be involved in the preparation of the plan to the
 298 maximum feasible extent consistent with his or her ability to

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299 understand and participate, and the guardian ad litem and the
300 child's foster parents must be involved to the maximum extent
301 consistent with the child's treatment needs. The plan must
302 include a preliminary plan for residential treatment and
303 aftercare upon completion of residential treatment. The plan
304 must include specific behavioral and emotional goals against
305 which the success of the residential treatment may be measured.
306 A copy of the plan must be provided to the child, to the
307 guardian ad litem, and to the department.

308 (f) Within 30 days after admission, the residential
309 treatment program must review the appropriateness and
310 suitability of the child's placement in the program. The
311 residential treatment program must determine whether the child
312 is receiving benefit toward the treatment goals and whether the
313 child could be treated in a less restrictive treatment program.
314 The residential treatment program shall prepare a written report
315 of its findings and submit the report to the guardian ad litem
316 and to the department. The department must submit the report to
317 the court. The report must include a discharge plan for the
318 child. The residential treatment program must continue to
319 evaluate the child's treatment progress every 30 days thereafter
320 and must include its findings in a written report submitted to
321 the department. The department may not reimburse a facility
322 until the facility has submitted every written report that is
323 due.

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

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328 2. The court must conduct a hearing to review the status
 329 of the child's residential treatment plan no later than 3 months
 330 after the child's admission to the residential treatment
 331 program. An independent review of the child's progress toward
 332 achieving the goals and objectives of the treatment plan must be
 333 completed by a qualified evaluator and submitted to the court
 334 before its 3-month review.

335 3. For any child in residential treatment at the time a
 336 judicial review is held pursuant to s. 39.701, the child's
 337 continued placement in residential treatment must be a subject
 338 of the judicial review.

339 4. If at any time the court determines that the child is
 340 not suitable for continued residential treatment, the court
 341 shall order the department to place the child in the least
 342 restrictive setting that is best suited to meet his or her
 343 needs.

344 (h) After the initial 3-month review, the court must
 345 conduct a review of the child's residential treatment plan every
 346 90 days.

347 (i) The department must adopt rules for implementing
 348 timeframes for the completion of suitability assessments by
 349 qualified evaluators and a procedure that includes timeframes
 350 for completing the 3-month independent review by the qualified
 351 evaluators of the child's progress toward achieving the goals
 352 and objectives of the treatment plan which review must be
 353 submitted to the court. The Agency for Health Care
 354 Administration must adopt rules for the registration of
 355 qualified evaluators, the procedure for selecting the evaluators
 356 to conduct the reviews required under this section, and a

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357 reasonable, cost-efficient fee schedule for qualified
 358 evaluators.

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

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

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

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

376 (10) Nothing in this section shall be construed to
 377 authorize the permanent sterilization of the child unless such
 378 sterilization is the result of or incidental to medically
 379 necessary treatment to protect or preserve the life of the
 380 child.

381 (11) For the purpose of obtaining an evaluation or
 382 examination, or receiving treatment as authorized pursuant to
 383 this section, no child alleged to be or found to be dependent
 384 shall be placed in a detention home or other program used
 385 primarily for the care and custody of children alleged or found
 386 to have committed delinquent acts.

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387 (12) The parents or legal custodian of a child in an out-
 388 of-home placement remain financially responsible for the cost of
 389 medical treatment provided to the child even if either one or
 390 both of the parents or if the legal custodian did not consent to
 391 the medical treatment. After a hearing, the court may order the
 392 parents or legal custodian, if found able to do so, to reimburse
 393 the department or other provider of medical services for
 394 treatment provided.

395 (13) Nothing in this section alters the authority of the
 396 department to consent to medical treatment for a dependent child
 397 when the child has been committed to the department and the
 398 department has become the legal custodian of the child.

399 (14) At any time after the filing of a shelter petition or
 400 petition for dependency, when the mental or physical condition,
 401 including the blood group, of a parent, caregiver, legal
 402 custodian, or other person requesting custody of a child is in
 403 controversy, the court may order the person to submit to a
 404 physical or mental examination by a qualified professional. The
 405 order may be made only upon good cause shown and pursuant to
 406 notice and procedures as set forth by the Florida Rules of
 407 Juvenile Procedure.

408 (15) At any time after a shelter petition or petition for
 409 dependency is filed, if the mental or physical condition of a
 410 child or the child's parent, caregiver, legal custodian, or
 411 other person requesting custody of the child is in controversy,
 412 the court, if it has not already done so, may order the person
 413 to submit to a substance abuse assessment and evaluation. The
 414 assessment or evaluation must be administered by a qualified
 415 professional, as defined in s. 397.311. The order may be made
 416 only upon good cause shown and pursuant to the notice and

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417 procedures set forth in the Florida Rules of Juvenile Procedure.

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

420 39.507 Adjudicatory hearings; orders of adjudication.--

421 (9) If the mental or physical condition of a child or the
 422 child's parent, caregiver, legal custodian, or other person
 423 requesting custody of the child is in controversy, the court, if
 424 it has not already done so, may require the person to submit to
 425 a substance abuse assessment or evaluation. The assessment or
 426 evaluation must be administered by a qualified professional, as
 427 defined in s. 397.311. The court may also require such person to
 428 participate in and comply with treatment and services identified
 429 as necessary, including, when appropriate and available,
 430 participation and compliance with a treatment-based drug court
 431 program. The court, including the treatment-based drug court
 432 program, shall oversee the progress and compliance with
 433 treatment by the child or the child's parent, legal custodian,
 434 caregiver, or other person requesting custody of the child, and
 435 shall impose appropriate available sanctions for noncompliance
 436 upon the child's parent, legal custodian, caregiver, or other
 437 person requesting custody of the child. Any order entered under
 438 this subsection may be made only upon good cause shown and
 439 pursuant to the notice and procedures set forth in the Florida
 440 Rules of Juvenile Procedure.

441 Section 5. Paragraph (b) of subsection (1) of section
 442 39.521, Florida Statutes, is amended to read:

443 39.521 Disposition hearings; powers of disposition.--

444 (1) A disposition hearing shall be conducted by the court,
 445 if the court finds that the facts alleged in the petition for
 446 dependency were proven in the adjudicatory hearing, or if the

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447 parents or legal custodians have consented to the finding of
 448 dependency or admitted the allegations in the petition, have
 449 failed to appear for the arraignment hearing after proper
 450 notice, or have not been located despite a diligent search
 451 having been conducted.

452 (b) When any child is adjudicated by a court to be
 453 dependent, the court having jurisdiction of the child has the
 454 power by order to:

455 1. Require, if the court has not already done so, a child
 456 or the child's parent, caregiver, legal custodian, or other
 457 person requesting custody of the child to submit to a substance
 458 abuse assessment or evaluation when such person's mental or
 459 physical condition is in controversy. The assessment or
 460 evaluation must be administered by a qualified professional, as
 461 defined in s. 397.311. The court may also require such person to
 462 participate in treatment and services identified as necessary,
 463 including participation and compliance with a treatment-based
 464 drug court program, when appropriate and if available. The
 465 court, including the treatment-based drug court program, shall
 466 oversee the progress and compliance with treatment by the child
 467 or the child's parent, legal custodian, caregiver, or other
 468 person requesting custody of the child, and shall impose
 469 appropriate available sanctions for noncompliance upon the
 470 child's parent, legal custodian, caregiver, or other person
 471 requesting custody of the child. Any order entered under this
 472 paragraph may be made only upon good cause shown and pursuant to
 473 the notice and procedures set forth in the Florida Rules of
 474 Juvenile Procedure ~~the parent and, when appropriate, the legal~~
 475 ~~eustodian and the child, to participate in treatment and~~
 476 ~~services identified as necessary.~~

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477 2. Require, if the court deems necessary, the parties to
 478 participate in dependency mediation.

479 3. Require placement of the child either under the
 480 protective supervision of an authorized agent of the department
 481 in the home of one or both of the child's parents or in the home
 482 of a relative of the child or another adult approved by the
 483 court, or in the custody of the department. Protective
 484 supervision continues until the court terminates it or until the
 485 child reaches the age of 18, whichever date is first. Protective
 486 supervision shall be terminated by the court whenever the court
 487 determines that permanency has been achieved for the child,
 488 whether with a parent, another relative, or a legal custodian,
 489 and that protective supervision is no longer needed. The
 490 termination of supervision may be with or without retaining
 491 jurisdiction, at the court's discretion, and shall in either
 492 case be considered a permanency option for the child. The order
 493 terminating supervision by the department shall set forth the
 494 powers of the custodian of the child and shall include the
 495 powers ordinarily granted to a guardian of the person of a minor
 496 unless otherwise specified. Upon the court's termination of
 497 supervision by the department, no further judicial reviews are
 498 required, so long as permanency has been established for the
 499 child.

500 Section 6. Paragraph (d) of subsection (8) of section
 501 39.701, Florida Statutes, is amended to read:

502 39.701 Judicial review.--

503 (8)

504 (d) The court may extend the time limitation of the case
 505 plan, or may modify the terms of the plan, which, in addition to
 506 other modifications, may include a requirement that the parent,

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507 foster parent, or legal custodian participate in a treatment-
 508 based drug court program, based upon information provided by the
 509 social service agency, and the guardian ad litem, if one has
 510 been appointed, the parent or parents, and the foster parents or
 511 legal custodian, and any other competent information on record
 512 demonstrating the need for the amendment. If the court extends
 513 the time limitation of the case plan, the court must make
 514 specific findings concerning the frequency of past parent-child
 515 visitation, if any, and the court may authorize the expansion or
 516 restriction of future visitation. Modifications to the plan must
 517 be handled as prescribed in s. 39.601. Any extension of a case
 518 plan must comply with the time requirements and other
 519 requirements specified by this chapter.

520 Section 7. Section 397.334, Florida Statutes, is amended
 521 to read:

522 397.334 Treatment-based drug court programs.--

523 (1) Each county may fund a treatment-based drug court
 524 program under which persons in the justice system assessed with
 525 a substance abuse problem will be processed in such a manner as
 526 to appropriately address the severity of the identified
 527 substance abuse problem through treatment services plans ~~plans~~
 528 tailored to the individual needs of the participant. It is the
 529 intent of the Legislature to encourage the Department of
 530 Corrections, the Department of Children and Family Services, the
 531 Department of Juvenile Justice, the Department of Health, the
 532 Department of Law Enforcement, the Department of Education, and
 533 other such ~~other~~ agencies, local governments, law enforcement
 534 agencies, ~~and~~ other interested public or private sources, and
 535 individuals to support the creation and establishment of these
 536 problem-solving court programs. Participation in the treatment-

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537 based drug court programs does not divest any public or private
 538 agency of its responsibility for a child or adult, but enables
 539 ~~allows~~ these agencies to better meet their needs through shared
 540 responsibility and resources.

541 (2) The treatment-based drug court programs shall include
 542 therapeutic jurisprudence and restorative justice principles and
 543 adhere to the following 10 key components, recognized by the
 544 Drug Courts Program Office of the Office of Justice Programs of
 545 the United States Department of Justice and adopted by the
 546 Florida Supreme Court Treatment-Based Drug Court Steering
 547 Committee:

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

550 (b) Using a nonadversarial approach, prosecution and
 551 defense counsel promote public safety while protecting
 552 participants' due process rights.

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

555 (d) Drug court programs provide access to a continuum of
 556 alcohol, drug, and other related treatment and rehabilitation
 557 services.

558 (e) Abstinence is monitored by frequent testing for
 559 alcohol and other drugs.

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

562 (g) Ongoing judicial interaction with each drug court
 563 program participant is essential.

564 (h) Monitoring and evaluation measure the achievement of
 565 program goals and gauge program effectiveness.

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566 (i) Continuing interdisciplinary education promotes
 567 effective drug court program planning, implementation, and
 568 operations.

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

572 (3) Treatment-based drug court programs may include
 573 pretrial intervention programs as provided in ss. 948.08,
 574 948.16, and 985.306, post adjudicatory programs, and the
 575 monitoring of sentenced offenders through a treatment-based drug
 576 court program. Supervision may also be provided for offenders
 577 who transfer from jail or a prison-based treatment program into
 578 the community.

579 (4) Contingent upon an annual appropriation by the
 580 Legislature, each judicial circuit shall establish, at a
 581 minimum, one coordinator position for the treatment-based drug
 582 court program within the state courts system to coordinate the
 583 responsibilities of the participating agencies and service
 584 providers. Each coordinator shall provide direct support to the
 585 treatment-based drug court program by providing coordination
 586 between the multidisciplinary team and the judiciary, providing
 587 case management, monitoring compliance of the participants in
 588 the treatment-based drug court program with court requirements,
 589 and providing program evaluation and accountability.

590 (5)~~(4)~~(a) The Florida Association of Drug Court ~~Program~~
 591 Professionals is created. The membership of the association may
 592 consist of treatment-based drug court program practitioners who
 593 comprise the multidisciplinary treatment-based drug court
 594 program team, including, but not limited to, judges, state
 595 attorneys, defense counsel, ~~drug court~~ program coordinators,

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596 probation officers, law enforcement officers, community
 597 representatives, members of the academic community, and
 598 treatment professionals. Membership in the association shall be
 599 voluntary.

600 (b) The association shall annually elect a chair whose
 601 duty is to solicit recommendations from members on issues
 602 relating to the expansion, operation, and institutionalization
 603 of treatment-based drug court programs. The chair is responsible
 604 for providing on or before October 1 of each year the
 605 association's recommendations and an annual report, to the
 606 appropriate Supreme Court ~~Treatment-Based Drug Court Steering~~
 607 committee or to the appropriate personnel of the Office of the
 608 State Courts Administrator, ~~and shall submit a report each year,~~
 609 ~~on or before October 1, to the steering committee.~~

610 ~~(6)(5)~~ If a county chooses to fund a treatment-based drug
 611 court program, the county must secure funding from sources other
 612 than the state for those costs not otherwise assumed by the
 613 state pursuant to s. 29.004. Counties may provide, by interlocal
 614 agreement, for the collective funding of these programs.

615 (7) The chief judge of each judicial circuit may appoint
 616 an advisory committee for the treatment-based drug court
 617 program. The committee shall be composed of the chief judge, or
 618 his or her designee, who shall serve as chair; the judge of the
 619 treatment-based drug court program, if not otherwise designated
 620 by the chief judge as his or her designee; the state attorney,
 621 or his or her designee; the public defender, or his or her
 622 designee; the treatment-based drug court program coordinators;
 623 community representatives; treatment representatives; and any
 624 other persons the chair finds are appropriate.

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625 Section 8. Paragraphs (b) and (e) of subsection (5) of
 626 section 910.035, Florida Statutes, are amended to read:

627 910.035 Transfer from county for plea and sentence.--

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

633 (b) If approval for transfer is received from all parties,
 634 the trial court shall accept a plea of nolo contendere and enter
 635 a transfer order directing the clerk to transfer the case to the
 636 county which has accepted the defendant into its drug court
 637 program.

638 (e) Upon successful completion of the drug court program,
 639 the jurisdiction to which the case has been transferred shall
 640 dispose of the case pursuant to s. 948.08(6). If the defendant
 641 does not complete the drug court program successfully, the
 642 jurisdiction to which the case has been transferred shall
 643 dispose of the case within the guidelines of the Criminal
 644 Punishment Code ~~ease shall be prosecuted as determined by the~~
 645 ~~state attorneys of the sending and receiving counties.~~

646 Section 9. Subsections (6), (7), and (8) of section
 647 948.08, Florida Statutes, are amended to read:

648 948.08 Pretrial intervention program.--

649 (6)(a) Notwithstanding any provision of this section, a
 650 person who is charged with a felony of the second or third
 651 degree for purchase or possession of a controlled substance
 652 under chapter 893, prostitution, tampering with evidence,
 653 solicitation for purchase of a controlled substance, or
 654 obtaining a prescription by fraud; who has not been charged with

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655 a crime involving violence, including, but not limited to,
 656 murder, sexual battery, robbery, carjacking, home-invasion
 657 robbery, or any other crime involving violence; and who has not
 658 previously been convicted of a felony ~~nor been admitted to a~~
 659 ~~felony pretrial program referred to in this section~~ is eligible
 660 for admission into a pretrial substance abuse education and
 661 treatment intervention program approved by the chief judge of
 662 the circuit, for a period of not less than 1 year in duration,
 663 upon motion of either party or the court's own motion, except:

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

669 ~~2.~~ if the state attorney believes that the facts and
 670 circumstances of the case suggest the defendant's involvement in
 671 the dealing and selling of controlled substances, the court
 672 shall hold a preadmission hearing. If the state attorney
 673 establishes, by a preponderance of the evidence at such hearing,
 674 that the defendant was involved in the dealing or selling of
 675 controlled substances, the court shall deny the defendant's
 676 admission into a pretrial intervention program.

677 (b) Notwithstanding any provision of this section, a
 678 person who is charged with a nonviolent third degree felony and
 679 is assessed with a substance abuse problem who has not been
 680 charged with a crime involving violence, including, but not
 681 limited to, murder, sexual battery, robbery, carjacking, home-
 682 invasion robbery, or any other crime involving violence, and who
 683 has not previously been convicted of a felony is eligible for
 684 admission into a pretrial substance abuse education and

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685 treatment intervention program as set forth in paragraph (a).

686 (c) Notwithstanding any provision of this section, a
687 defendant charged with a second or subsequent nonviolent third
688 degree felony who has not been charged with a crime involving
689 violence, including, but not limited to, murder, sexual battery,
690 robbery, carjacking, home-invasion robbery, or any other crime
691 involving violence, upon approval of the state attorney, is
692 eligible for admission into the pretrial substance abuse
693 education and treatment intervention program as set forth in
694 paragraph (a).

695 (d)~~(b)~~ At the end of the pretrial intervention period, the
696 court shall consider the recommendation of the administrator
697 pursuant to subsection (5) and the recommendation of the state
698 attorney as to disposition of the pending charges. The court
699 shall determine, by written finding, whether the defendant has
700 successfully completed the pretrial intervention program.

701 (e)~~(e)~~1. If the court finds that the defendant has not
702 successfully completed the pretrial intervention program, the
703 court may order the person to continue in education and
704 treatment or order that the charges revert to normal channels
705 for prosecution.

706 2. The court shall dismiss the charges upon a finding that
707 the defendant has successfully completed the pretrial
708 intervention program.

709 (f)~~(d)~~ Any entity, whether public or private, providing a
710 pretrial substance abuse education and treatment intervention
711 program under this subsection must contract with the county or
712 appropriate governmental entity, and the terms of the contract

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713 must include, but need not be limited to, the requirements
 714 established for private entities under s. 948.15(3).

715 ~~(7) The chief judge in each circuit may appoint an~~
 716 ~~advisory committee for the pretrial intervention program~~
 717 ~~composed of the chief judge or his or her designee, who shall~~
 718 ~~serve as chair; the state attorney, the public defender, and the~~
 719 ~~program administrator, or their designees; and such other~~
 720 ~~persons as the chair deems appropriate. The advisory committee~~
 721 ~~may not designate any defendant eligible for a pretrial~~
 722 ~~intervention program for any offense that is not listed under~~
 723 ~~paragraph (6)(a) without the state attorney's recommendation and~~
 724 ~~approval. The committee may also include persons representing~~
 725 ~~any other agencies to which persons released to the pretrial~~
 726 ~~intervention program may be referred.~~

727 ~~(7)(8)~~ The department may contract for the services and
 728 facilities necessary to operate pretrial intervention programs.

729 Section 10. Section 985.306, Florida Statutes, is amended
 730 to read:

731 985.306 Delinquency pretrial intervention program.--

732 (1)~~(a)~~ Notwithstanding any provision of law to the
 733 contrary, a child who is charged ~~under chapter 893~~ with a
 734 misdemeanor; a felony of the second or third degree for purchase
 735 or possession of a controlled substance under chapter 893;
 736 tampering with evidence; solicitation for purchase of a
 737 controlled substance; or obtaining a prescription by fraud, and
 738 who has not previously been adjudicated for a felony ~~nor been~~
 739 ~~admitted to a delinquency pretrial intervention program under~~
 740 ~~this section~~, is eligible for admission into a delinquency
 741 pretrial substance abuse education and treatment intervention
 742 program approved by the chief judge or alternative sanctions

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743 coordinator of the circuit to the extent that funded programs
744 are available, for a period based on the program requirements
745 and the treatment services that are suitable for the offender ~~of~~
746 ~~not less than 1 year in duration~~, upon motion of either party or
747 the court's own motion, except:-

748 (a) If the state attorney believes that the facts and
749 circumstances of the case suggest the child's involvement in the
750 dealing and selling of controlled substances, the court shall
751 hold a preadmission hearing. If the state attorney establishes
752 by a preponderance of the evidence at such hearing that the
753 child was involved in the dealing and selling of controlled
754 substances, the court shall deny the child's admission into a
755 delinquency pretrial intervention program.

756 (b) A child who is charged with the child's first
757 nonviolent third-degree felony and is assessed with a substance
758 abuse problem, who has not been charged with a crime involving
759 violence, including, but not limited to, murder, sexual battery,
760 robbery, carjacking, home-invasion robbery, or any other crime
761 involving violence, and who has not previously been adjudicated
762 of a felony is eligible for admission into a pretrial substance
763 abuse education and treatment intervention program as set forth
764 in subsection (a).

765 (c) A child who is charged with a second or subsequent
766 nonviolent third-degree felony and is assessed with a substance
767 abuse problem, who has not been charged with a crime involving
768 violence, including, but not limited to, murder, sexual battery,
769 robbery, carjacking, home-invasion robbery, or any other crime
770 involving violence, upon approval of the state attorney, is
771 eligible for admission into the pretrial substance abuse
772 education and treatment intervention program as set forth in

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773 subsection (a).

774 (2)~~(b)~~ At the end of the delinquency pretrial intervention
 775 period, the court shall consider the recommendation of the state
 776 attorney and the program administrator as to disposition of the
 777 pending charges. The court shall determine, by written finding,
 778 whether the child has successfully completed the delinquency
 779 pretrial intervention program.

780 (3)(a)~~(e)~~1. If the court finds that the child has not
 781 successfully completed the delinquency pretrial intervention
 782 program, the court may order the child to continue in an
 783 education, treatment, or urine monitoring program if resources
 784 and funding are available or order that the charges revert to
 785 normal channels for prosecution.

786 (b)2. The court may dismiss the charges upon a finding
 787 that the child has successfully completed the delinquency
 788 pretrial intervention program.

789 (4)~~(d)~~ Any entity, whether public or private, providing
 790 pretrial substance abuse education, treatment intervention, and
 791 a urine monitoring program under this section must contract with
 792 the county or appropriate governmental entity, and the terms of
 793 the contract must include, but need not be limited to, the
 794 requirements established for private entities under s.
 795 948.15(3). It is the intent of the Legislature that public or
 796 private entities providing substance abuse education and
 797 treatment intervention programs involve the active participation
 798 of parents, schools, churches, businesses, law enforcement
 799 agencies, and the department or its contract providers.

800 ~~(2) The chief judge in each circuit may appoint an~~
 801 ~~advisory committee for the delinquency pretrial intervention~~
 802 ~~program composed of the chief judge or designee, who shall serve~~

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803 ~~as chair; the state attorney, the public defender, and the~~
804 ~~program administrator, or their designees; and such other~~
805 ~~persons as the chair deems appropriate. The committee may also~~
806 ~~include persons representing any other agencies to which~~
807 ~~children released to the delinquency pretrial intervention~~
808 ~~program may be referred.~~

809 Section 11. This act shall take effect July 1, 2004.