

CHAMBER ACTION

1 The Committee on Public Safety & Crime Prevention recommends the
2 following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to substance abuse treatment and
8 intervention; amending s. 39.001, F.S.; providing
9 additional legislative purposes and intent with respect to
10 the treatment of substance abuse, including the use of the
11 drug court program model; authorizing the court to require
12 certain persons to undergo treatment following
13 adjudication; providing that the court is not precluded
14 from ordering drug testing; amending ss. 39.402 and
15 39.407, F.S.; authorizing the court to order specified
16 persons to submit to a substance abuse assessment upon a
17 showing of good cause in connection with a shelter hearing
18 or petition for dependency; amending ss. 39.507 and
19 39.521, F.S.; authorizing the court to order specified
20 persons to submit to a substance abuse assessment as part
21 of an adjudicatory order or pursuant to a disposition
22 hearing; requiring a showing of good cause; authorizing
23 the court to require participation in a treatment-based

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24 drug court program; authorizing the court to impose
25 sanctions for noncompliance; amending s. 39.701, F.S.;
26 authorizing the court to extend the time for completing a
27 case plan during judicial review, based upon participation
28 in a treatment-based drug court program; amending s.
29 397.334, F.S.; revising legislative intent with respect to
30 treatment-based drug court programs to reflect
31 participation by community support agencies, the
32 Department of Education, and other individuals; including
33 postadjudicatory programs as part of treatment-based drug
34 court programs; requiring each judicial circuit to
35 establish a position for a coordinator of the treatment-
36 based drug court program, subject to annual appropriation
37 by the Legislature; authorizing the chief judge of each
38 judicial circuit to appoint an advisory committee for the
39 treatment-based drug court program; providing for
40 membership of the committee; revising language with
41 respect to an annual report; amending s. 910.035, F.S.;
42 revising language with respect to conditions for the
43 transfer of a case in the drug court treatment program to
44 a county other than that in which the charge arose;
45 providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Subsection (4) of section 39.001, Florida
50 Statutes, is amended to read:

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51 | 39.001 Purposes and intent; personnel standards and
52 | screening.--

53 | (4) SUBSTANCE ABUSE SERVICES.--

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

68 | (b) The substance abuse treatment and family safety
69 | programs of the Department of Children and Family Services have
70 | identified the following goals for the state:

71 | 1. To ensure the safety of children.

72 | 2. To prevent and remediate the consequences of substance
73 | abuse on families involved in protective supervision or foster
74 | care and reduce substance abuse, including alcohol abuse, for
75 | families who are at risk of being involved in protective
76 | supervision or foster care.

77 | 3. To expedite permanency for children and reunify
78 | healthy, intact families, when appropriate.

79 | 4. To support families in recovery.

80 | (c) The Legislature finds that children in the care of the
 81 | state's dependency system need appropriate health care services,
 82 | that the impact of substance abuse on health indicates the need
 83 | for health care services to include substance abuse services to
 84 | children and parents where appropriate, and that it is in the
 85 | state's best interest that such children be provided the
 86 | services they need to enable them to become and remain
 87 | independent of state care. In order to provide these services,
 88 | the state's dependency system must have the ability to identify
 89 | and provide appropriate intervention and treatment for children
 90 | with personal or family-related substance abuse problems.

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

104 | (e) It is therefore the purpose of the Legislature to
 105 | provide authority for the state to contract with community
 106 | substance abuse treatment providers for the development and

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107 operation of specialized support and overlay services for the
 108 dependency system, which will be fully implemented and used
 109 ~~utilized~~ as resources permit.

110 (f) It is the intent of the Legislature to encourage the
 111 Department of Children and Family Services, in conjunction with
 112 community agencies; treatment-based facilities; facilities
 113 dedicated to child welfare, child development, and mental health
 114 services; the Department of Health; other similar agencies;
 115 local governments; law enforcement agencies; and other
 116 interested public or private sources to support the drug court
 117 program model. Participation in the treatment-based drug court
 118 program does not divest any public or private agency of its
 119 responsibility for a child or adult, but enables these agencies
 120 to better meet their needs through shared responsibility and
 121 resources.

122 Section 2. Subsections (11) through (16) of section
 123 39.402, Florida Statutes, are renumbered as subsections (12)
 124 through (17), respectively, and a new subsection (11) is added
 125 to said section to read:

126 39.402 Placement in a shelter.--

127 (11) At the shelter hearing, the court may order the child
 128 or the child's parent, caregiver, legal custodian, or other
 129 person requesting custody of the child to submit to a substance
 130 abuse assessment or evaluation. The assessment or evaluation
 131 must be administered by a qualified professional, as defined in
 132 s. 397.311. The order may be made only upon good cause shown.

133 Section 3. Section 39.407, Florida Statutes, is amended to
 134 read:

135 39.407 Medical, psychiatric, and psychological examination
136 and treatment of child; physical, ~~or~~ mental, or substance abuse
137 examination of parent or person requesting custody of child.--

138 (1) When any child is removed from the home and maintained
139 in an out-of-home placement, the department is authorized to
140 have a medical screening performed on the child without
141 authorization from the court and without consent from a parent
142 or legal custodian. Such medical screening shall be performed by
143 a licensed health care professional and shall be to examine the
144 child for injury, illness, and communicable diseases and to
145 determine the need for immunization. The department shall by
146 rule establish the invasiveness of the medical procedures
147 authorized to be performed under this subsection. In no case
148 does this subsection authorize the department to consent to
149 medical treatment for such children.

150 (2) When the department has performed the medical
151 screening authorized by subsection (1), or when it is otherwise
152 determined by a licensed health care professional that a child
153 who is in an out-of-home placement, but who has not been
154 committed to the department, is in need of medical treatment,
155 including the need for immunization, consent for medical
156 treatment shall be obtained in the following manner:

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

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

160 (b) If a parent or legal custodian of the child is
161 unavailable and his or her whereabouts cannot be reasonably
162 ascertained, and it is after normal working hours so that a

163 | court order cannot reasonably be obtained, an authorized agent
 164 | of the department shall have the authority to consent to
 165 | necessary medical treatment, including immunization, for the
 166 | child. The authority of the department to consent to medical
 167 | treatment in this circumstance shall be limited to the time
 168 | reasonably necessary to obtain court authorization.

169 | (c) If a parent or legal custodian of the child is
 170 | available but refuses to consent to the necessary treatment,
 171 | including immunization, a court order shall be required unless
 172 | the situation meets the definition of an emergency in s. 743.064
 173 | or the treatment needed is related to suspected abuse,
 174 | abandonment, or neglect of the child by a parent, caregiver, or
 175 | legal custodian. In such case, the department shall have the
 176 | authority to consent to necessary medical treatment. This
 177 | authority is limited to the time reasonably necessary to obtain
 178 | court authorization.

179 |

180 | In no case shall the department consent to sterilization,
 181 | abortion, or termination of life support.

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

184 | (b) The judge may also order such child to be evaluated by
 185 | a psychiatrist or a psychologist or, if a developmental
 186 | disability is suspected or alleged, by the developmental
 187 | disability diagnostic and evaluation team of the department. If
 188 | it is necessary to place a child in a residential facility for
 189 | such evaluation, the criteria and procedure established in s.

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190 394.463(2) or chapter 393 shall be used, whichever is
191 applicable.

192 (c) The judge may also order such child to be evaluated by
193 a district school board educational needs assessment team. The
194 educational needs assessment provided by the district school
195 board educational needs assessment team shall include, but not
196 be limited to, reports of intelligence and achievement tests,
197 screening for learning disabilities and other handicaps, and
198 screening for the need for alternative education as defined in
199 s. 1001.42.

200 (4) A judge may order a child in an out-of-home placement
201 to be treated by a licensed health care professional based on
202 evidence that the child should receive treatment. The judge may
203 also order such child to receive mental health or developmental
204 disabilities services from a psychiatrist, psychologist, or
205 other appropriate service provider. Except as provided in
206 subsection (5), if it is necessary to place the child in a
207 residential facility for such services, the procedures and
208 criteria established in s. 394.467 or chapter 393 shall be used,
209 whichever is applicable. A child may be provided developmental
210 disabilities or mental health services in emergency situations,
211 pursuant to the procedures and criteria contained in s.
212 394.463(1) or chapter 393, whichever is applicable.

213 (5) Children who are in the legal custody of the
214 department may be placed by the department, without prior
215 approval of the court, in a residential treatment center
216 licensed under s. 394.875 or a hospital licensed under chapter
217 395 for residential mental health treatment only pursuant to

218 | this section or may be placed by the court in accordance with an
 219 | order of involuntary examination or involuntary placement
 220 | entered pursuant to s. 394.463 or s. 394.467. All children
 221 | placed in a residential treatment program under this subsection
 222 | must have a guardian ad litem appointed.

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

224 | 1. "Residential treatment" means placement for
 225 | observation, diagnosis, or treatment of an emotional disturbance
 226 | in a residential treatment center licensed under s. 394.875 or a
 227 | hospital licensed under chapter 395.

228 | 2. "Least restrictive alternative" means the treatment and
 229 | conditions of treatment that, separately and in combination, are
 230 | no more intrusive or restrictive of freedom than reasonably
 231 | necessary to achieve a substantial therapeutic benefit or to
 232 | protect the child or adolescent or others from physical injury.

233 | 3. "Suitable for residential treatment" or "suitability"
 234 | means a determination concerning a child or adolescent with an
 235 | emotional disturbance as defined in s. 394.492(5) or a serious
 236 | emotional disturbance as defined in s. 394.492(6) that each of
 237 | the following criteria is met:

238 | a. The child requires residential treatment.

239 | b. The child is in need of a residential treatment program
 240 | and is expected to benefit from mental health treatment.

241 | c. An appropriate, less restrictive alternative to
 242 | residential treatment is unavailable.

243 | (b) Whenever the department believes that a child in its
 244 | legal custody is emotionally disturbed and may need residential
 245 | treatment, an examination and suitability assessment must be

246 | conducted by a qualified evaluator who is appointed by the
 247 | Agency for Health Care Administration. This suitability
 248 | assessment must be completed before the placement of the child
 249 | in a residential treatment center for emotionally disturbed
 250 | children and adolescents or a hospital. The qualified evaluator
 251 | must be a psychiatrist or a psychologist licensed in Florida who
 252 | has at least 3 years of experience in the diagnosis and
 253 | treatment of serious emotional disturbances in children and
 254 | adolescents and who has no actual or perceived conflict of
 255 | interest with any inpatient facility or residential treatment
 256 | center or program.

257 | (c) Before a child is admitted under this subsection, the
 258 | child shall be assessed for suitability for residential
 259 | treatment by a qualified evaluator who has conducted a personal
 260 | examination and assessment of the child and has made written
 261 | findings that:

262 | 1. The child appears to have an emotional disturbance
 263 | serious enough to require residential treatment and is
 264 | reasonably likely to benefit from the treatment.

265 | 2. The child has been provided with a clinically
 266 | appropriate explanation of the nature and purpose of the
 267 | treatment.

268 | 3. All available modalities of treatment less restrictive
 269 | than residential treatment have been considered, and a less
 270 | restrictive alternative that would offer comparable benefits to
 271 | the child is unavailable.

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273 A copy of the written findings of the evaluation and suitability
274 assessment must be provided to the department and to the
275 guardian ad litem, who shall have the opportunity to discuss the
276 findings with the evaluator.

277 (d) Immediately upon placing a child in a residential
278 treatment program under this section, the department must notify
279 the guardian ad litem and the court having jurisdiction over the
280 child and must provide the guardian ad litem and the court with
281 a copy of the assessment by the qualified evaluator.

282 (e) Within 10 days after the admission of a child to a
283 residential treatment program, the director of the residential
284 treatment program or the director's designee must ensure that an
285 individualized plan of treatment has been prepared by the
286 program and has been explained to the child, to the department,
287 and to the guardian ad litem, and submitted to the department.
288 The child must be involved in the preparation of the plan to the
289 maximum feasible extent consistent with his or her ability to
290 understand and participate, and the guardian ad litem and the
291 child's foster parents must be involved to the maximum extent
292 consistent with the child's treatment needs. The plan must
293 include a preliminary plan for residential treatment and
294 aftercare upon completion of residential treatment. The plan
295 must include specific behavioral and emotional goals against
296 which the success of the residential treatment may be measured.
297 A copy of the plan must be provided to the child, to the
298 guardian ad litem, and to the department.

299 (f) Within 30 days after admission, the residential
300 treatment program must review the appropriateness and

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301 suitability of the child's placement in the program. The
302 residential treatment program must determine whether the child
303 is receiving benefit toward the treatment goals and whether the
304 child could be treated in a less restrictive treatment program.
305 The residential treatment program shall prepare a written report
306 of its findings and submit the report to the guardian ad litem
307 and to the department. The department must submit the report to
308 the court. The report must include a discharge plan for the
309 child. The residential treatment program must continue to
310 evaluate the child's treatment progress every 30 days thereafter
311 and must include its findings in a written report submitted to
312 the department. The department may not reimburse a facility
313 until the facility has submitted every written report that is
314 due.

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

319 2. The court must conduct a hearing to review the status
320 of the child's residential treatment plan no later than 3 months
321 after the child's admission to the residential treatment
322 program. An independent review of the child's progress toward
323 achieving the goals and objectives of the treatment plan must be
324 completed by a qualified evaluator and submitted to the court
325 before its 3-month review.

326 3. For any child in residential treatment at the time a
327 judicial review is held pursuant to s. 39.701, the child's

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328 continued placement in residential treatment must be a subject
329 of the judicial review.

330 4. If at any time the court determines that the child is
331 not suitable for continued residential treatment, the court
332 shall order the department to place the child in the least
333 restrictive setting that is best suited to meet his or her
334 needs.

335 (h) After the initial 3-month review, the court must
336 conduct a review of the child's residential treatment plan every
337 90 days.

338 (i) The department must adopt rules for implementing
339 timeframes for the completion of suitability assessments by
340 qualified evaluators and a procedure that includes timeframes
341 for completing the 3-month independent review by the qualified
342 evaluators of the child's progress toward achieving the goals
343 and objectives of the treatment plan which review must be
344 submitted to the court. The Agency for Health Care
345 Administration must adopt rules for the registration of
346 qualified evaluators, the procedure for selecting the evaluators
347 to conduct the reviews required under this section, and a
348 reasonable, cost-efficient fee schedule for qualified
349 evaluators.

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

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

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

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

367 (10) Nothing in this section shall be construed to
 368 authorize the permanent sterilization of the child unless such
 369 sterilization is the result of or incidental to medically
 370 necessary treatment to protect or preserve the life of the
 371 child.

372 (11) For the purpose of obtaining an evaluation or
 373 examination, or receiving treatment as authorized pursuant to
 374 this section, no child alleged to be or found to be dependent
 375 shall be placed in a detention home or other program used
 376 primarily for the care and custody of children alleged or found
 377 to have committed delinquent acts.

378 (12) The parents or legal custodian of a child in an out-
 379 of-home placement remain financially responsible for the cost of
 380 medical treatment provided to the child even if either one or
 381 both of the parents or if the legal custodian did not consent to
 382 the medical treatment. After a hearing, the court may order the

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383 | parents or legal custodian, if found able to do so, to reimburse
384 | the department or other provider of medical services for
385 | treatment provided.

386 | (13) Nothing in this section alters the authority of the
387 | department to consent to medical treatment for a dependent child
388 | when the child has been committed to the department and the
389 | department has become the legal custodian of the child.

390 | (14) At any time after the filing of a shelter petition or
391 | petition for dependency, when the mental or physical condition,
392 | including the blood group, of a parent, caregiver, legal
393 | custodian, or other person requesting custody of a child is in
394 | controversy, the court may order the person to submit to a
395 | physical or mental examination by a qualified professional. The
396 | order may be made only upon good cause shown and pursuant to
397 | notice and procedures as set forth by the Florida Rules of
398 | Juvenile Procedure.

399 | (15) At any time after a shelter petition or petition for
400 | dependency is filed, the court may order a child or the child's
401 | parent, caregiver, legal custodian, or other person requesting
402 | custody of the child, if it has not already done so, to submit
403 | to a substance abuse assessment and evaluation. The assessment
404 | or evaluation must be administered by a qualified professional,
405 | as defined in s. 397.311. The order may be made only upon good
406 | cause shown.

407 | Section 4. Subsection (9) is added to section 39.507,
408 | Florida Statutes, to read:

409 | 39.507 Adjudicatory hearings; orders of adjudication.--

410 (9) The court may order a child or the child's parent,
 411 caregiver, legal custodian, or other person requesting custody
 412 of the child, if it has not already done so, to submit to a
 413 substance abuse assessment or evaluation. The assessment or
 414 evaluation must be administered by a qualified professional, as
 415 defined in s. 397.311. The court may also require such person to
 416 participate in and comply with treatment and services identified
 417 as necessary, including, when appropriate and available,
 418 participation in and compliance with a treatment-based drug
 419 court program. The court, including the treatment-based drug
 420 court program, shall oversee the progress and compliance with
 421 treatment by the child or the child's parent, legal custodian,
 422 caregiver, or other person requesting custody of the child, and
 423 shall impose appropriate available sanctions for noncompliance
 424 upon the child or the child's parent, legal custodian,
 425 caregiver, or other person requesting custody of the child. Any
 426 order entered under this subsection may be made only upon good
 427 cause shown.

428 Section 5. Paragraph (b) of subsection (1) of section
 429 39.521, Florida Statutes, is amended to read:

430 39.521 Disposition hearings; powers of disposition.--

431 (1) A disposition hearing shall be conducted by the court,
 432 if the court finds that the facts alleged in the petition for
 433 dependency were proven in the adjudicatory hearing, or if the
 434 parents or legal custodians have consented to the finding of
 435 dependency or admitted the allegations in the petition, have
 436 failed to appear for the arraignment hearing after proper

437 notice, or have not been located despite a diligent search
438 having been conducted.

439 (b) When any child is adjudicated by a court to be
440 dependent, the court having jurisdiction of the child has the
441 power by order to:

442 1. Require the parent and, when appropriate, the legal
443 custodian and the child, to participate in treatment and
444 services identified as necessary. The court may require a child
445 or the child's parent, caregiver, legal custodian, or other
446 person requesting custody of the child to submit to a substance
447 abuse assessment or evaluation. The assessment or evaluation
448 must be administered by a qualified professional, as defined in
449 s. 397.311. The court may also require such person to
450 participate in and comply with treatment and services identified
451 as necessary, including participation in and compliance with a
452 treatment-based drug court program, when appropriate and if
453 available. The court, including the treatment-based drug court
454 program, shall oversee the progress and compliance with
455 treatment by the child or the child's parent, legal custodian,
456 caregiver, or other person requesting custody of the child, and
457 shall impose appropriate available sanctions for noncompliance
458 upon the child or the child's parent, legal custodian,
459 caregiver, or other person requesting custody of the child. Any
460 order entered under this subparagraph may be made only upon good
461 cause shown.

462 2. Require, if the court deems necessary, the parties to
463 participate in dependency mediation.

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464 3. Require placement of the child either under the
 465 protective supervision of an authorized agent of the department
 466 in the home of one or both of the child's parents or in the home
 467 of a relative of the child or another adult approved by the
 468 court, or in the custody of the department. Protective
 469 supervision continues until the court terminates it or until the
 470 child reaches the age of 18, whichever date is first. Protective
 471 supervision shall be terminated by the court whenever the court
 472 determines that permanency has been achieved for the child,
 473 whether with a parent, another relative, or a legal custodian,
 474 and that protective supervision is no longer needed. The
 475 termination of supervision may be with or without retaining
 476 jurisdiction, at the court's discretion, and shall in either
 477 case be considered a permanency option for the child. The order
 478 terminating supervision by the department shall set forth the
 479 powers of the custodian of the child and shall include the
 480 powers ordinarily granted to a guardian of the person of a minor
 481 unless otherwise specified. Upon the court's termination of
 482 supervision by the department, no further judicial reviews are
 483 required, so long as permanency has been established for the
 484 child.

485 Section 6. Paragraph (d) of subsection (8) of section
 486 39.701, Florida Statutes, is amended to read:

487 39.701 Judicial review.--

488 (8)

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

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492 foster parent, or legal custodian participate in a treatment-
 493 based drug court program, based upon information provided by the
 494 social service agency, and the guardian ad litem, if one has
 495 been appointed, the parent or parents, and the foster parents or
 496 legal custodian, and any other competent information on record
 497 demonstrating the need for the amendment. If the court extends
 498 the time limitation of the case plan, the court must make
 499 specific findings concerning the frequency of past parent-child
 500 visitation, if any, and the court may authorize the expansion or
 501 restriction of future visitation. Modifications to the plan must
 502 be handled as prescribed in s. 39.601. Any extension of a case
 503 plan must comply with the time requirements and other
 504 requirements specified by this chapter.

505 Section 7. Section 397.334, Florida Statutes, as amended
 506 by chapter 2003-402, Laws of Florida, is amended to read:

507 397.334 Treatment-based drug court programs.--

508 (1) Each county may fund a treatment-based drug court
 509 program under which persons in the justice system assessed with
 510 a substance abuse problem will be processed in such a manner as
 511 to appropriately address the severity of the identified
 512 substance abuse problem through treatment services ~~plans~~
 513 tailored to the individual needs of the participant. It is the
 514 intent of the Legislature to encourage the Department of
 515 Corrections, the Department of Children and Family Services, the
 516 Department of Juvenile Justice, the Department of Health, the
 517 Department of Law Enforcement, the Department of Education, and
 518 other such ~~other~~ agencies, local governments, law enforcement
 519 agencies, ~~and~~ other interested public or private sources, and

520 individuals to support the creation and establishment of these
521 problem-solving court programs. Participation in the treatment-
522 based drug court programs does not divest any public or private
523 agency of its responsibility for a child or adult, but enables
524 ~~allows~~ these agencies to better meet their needs through shared
525 responsibility and resources.

526 (2) The treatment-based drug court programs shall include
527 therapeutic jurisprudence principles and adhere to the following
528 10 key components, recognized by the Drug Courts Program Office
529 of the Office of Justice Programs of the United States
530 Department of Justice and adopted by the Florida Supreme Court
531 Treatment-Based Drug Court Steering Committee:

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

534 (b) Using a nonadversarial approach, prosecution and
535 defense counsel promote public safety while protecting
536 participants' due process rights.

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

539 (d) Drug court programs provide access to a continuum of
540 alcohol, drug, and other related treatment and rehabilitation
541 services.

542 (e) Abstinence is monitored by frequent testing for
543 alcohol and other drugs.

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

546 (g) Ongoing judicial interaction with each drug court
547 program participant is essential.

548 (h) Monitoring and evaluation measure the achievement of
549 program goals and gauge program effectiveness.

550 (i) Continuing interdisciplinary education promotes
551 effective drug court program planning, implementation, and
552 operations.

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

556 (3) Treatment-based drug court programs may include
557 pretrial intervention programs as provided in ss. 948.08,
558 948.16, and 985.306, postadjudicatory programs, and the
559 monitoring of sentenced offenders through a treatment-based drug
560 court program. Supervision may also be provided for offenders
561 who transfer from jail or a prison-based treatment program into
562 the community.

563 (4) Contingent upon an annual appropriation by the
564 Legislature, each judicial circuit shall establish, at a
565 minimum, one coordinator position for the treatment-based drug
566 court program within the state courts system to coordinate the
567 responsibilities of the participating agencies and service
568 providers. Each coordinator shall provide direct support to the
569 treatment-based drug court program by providing coordination
570 between the multidisciplinary team and the judiciary, providing
571 case management, monitoring compliance of the participants in
572 the treatment-based drug court program with court requirements,
573 and providing program evaluation and accountability.

574 (5)~~(4)~~(a) The Florida Association of Drug Court ~~Program~~
575 Professionals is created. The membership of the association may

576 consist of treatment-based drug court program practitioners who
 577 comprise the multidisciplinary treatment-based drug court
 578 program team, including, but not limited to, judges, state
 579 attorneys, defense counsel, ~~drug court~~ program coordinators,
 580 probation officers, law enforcement officers, community
 581 representatives, members of the academic community, and
 582 treatment professionals. Membership in the association shall be
 583 voluntary.

584 (b) The association shall annually elect a chair whose
 585 duty is to solicit recommendations from members on issues
 586 relating to the expansion, operation, and institutionalization
 587 of treatment-based drug court programs. The chair is responsible
 588 for providing on or before October 1 of each year the
 589 association's recommendations and an annual report, to the
 590 appropriate Supreme Court ~~Treatment-Based Drug Court Steering~~
 591 committee or to the appropriate personnel of the Office of the
 592 State Courts Administrator, ~~and shall submit a report each year,~~
 593 ~~on or before October 1, to the steering committee.~~

594 ~~(6)(5)~~ If a county chooses to fund a treatment-based drug
 595 court program, the county must secure funding from sources other
 596 than the state for those costs not otherwise assumed by the
 597 state pursuant to s. 29.004. Counties may provide, by interlocal
 598 agreement, for the collective funding of these programs.

599 (7) The chief judge of each judicial circuit may appoint
 600 an advisory committee for the treatment-based drug court
 601 program. The committee shall be composed of the chief judge, or
 602 his or her designee, who shall serve as chair; the judge of the
 603 treatment-based drug court program, if not otherwise designated

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604 by the chief judge as his or her designee; the state attorney,
 605 or his or her designee; the public defender, or his or her
 606 designee; the treatment-based drug court program coordinators;
 607 community representatives; treatment representatives; and any
 608 other persons the chair finds are appropriate.

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

611 910.035 Transfer from county for plea and sentence.--

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

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

622 (e) Upon successful completion of the drug court program,
 623 the jurisdiction to which the case has been transferred shall
 624 dispose of the case pursuant to s. 948.08(6). If the defendant
 625 does not complete the drug court program successfully, the
 626 jurisdiction to which the case has been transferred shall
 627 dispose of the case within the guidelines of the Criminal
 628 Punishment Code ~~ease shall be prosecuted as determined by the~~
 629 ~~state attorneys of the sending and receiving counties.~~

630 Section 9. This act shall take effect July 1, 2004.