

CHAMBER ACTION

1 The Justice Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to drug court programs; amending s.
7 39.001, F.S.; providing additional legislative purposes
8 and intent with respect to the treatment of substance
9 abuse, including the use of the drug court program model;
10 authorizing the court to require certain persons to
11 undergo treatment following adjudication; amending s.
12 39.407, F.S.; authorizing the court to order specified
13 persons to submit to a substance abuse assessment upon a
14 showing of good cause in connection with a shelter
15 petition or petition for dependency; amending ss. 39.507
16 and 39.521, F.S.; authorizing the court to order specified
17 persons to submit to a substance abuse assessment as part
18 of an adjudicatory order or pursuant to a disposition
19 hearing; requiring a showing of good cause; authorizing
20 the court to require participation in a treatment-based
21 drug court program; authorizing the court to impose
22 sanctions for noncompliance; amending s. 39.701, F.S.;
23 authorizing the court to extend the time for completing a

24 | case plan during judicial review, based upon participation
 25 | in a treatment-based drug court program; amending s.
 26 | 397.334, F.S.; revising legislative intent with respect to
 27 | treatment-based drug court programs to reflect
 28 | participation by community support agencies, the
 29 | Department of Education, and other individuals; including
 30 | postadjudicatory programs as part of treatment-based drug
 31 | court programs; providing requirements and sanctions,
 32 | including clinical placement or incarceration, for the
 33 | coordinated strategy developed by the drug court team to
 34 | encourage participant compliance; requiring each judicial
 35 | circuit to establish a position for a coordinator of the
 36 | treatment-based drug court program, subject to annual
 37 | appropriation by the Legislature; authorizing the chief
 38 | judge of each judicial circuit to appoint an advisory
 39 | committee for the treatment-based drug court program;
 40 | providing for membership of the committee; revising
 41 | language with respect to an annual report; amending s.
 42 | 910.035, F.S.; revising language with respect to
 43 | conditions for the transfer of a case in the drug court
 44 | treatment program to a county other than that in which the
 45 | charge arose; amending ss. 948.08, 948.16, and 985.306,
 46 | F.S., relating to felony, misdemeanor, and delinquency
 47 | pretrial substance abuse education and treatment
 48 | intervention programs; providing requirements and
 49 | sanctions, including clinical placement or incarceration,
 50 | for the coordinated strategy developed by the drug court
 51 | team to encourage participant compliance and removing

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52 | provisions authorizing appointment of an advisory
53 | committee, to conform to changes made by the act;
54 | providing an effective date.

56 | Be It Enacted by the Legislature of the State of Florida:

58 | Section 1. Subsection (4) of section 39.001, Florida
59 | Statutes, is amended to read:

60 | 39.001 Purposes and intent; personnel standards and
61 | screening.--

62 | (4) SUBSTANCE ABUSE SERVICES.--

63 | (a) The Legislature recognizes that early referral and
64 | comprehensive treatment can help combat substance abuse in
65 | families and that treatment is cost effective.

66 | (b) The Legislature establishes the following goals for
67 | the state related to substance abuse treatment services in the
68 | dependency process:

69 | 1. To ensure the safety of children.

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

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

77 | 4. To support families in recovery.

78 | (c) The Legislature finds that children in the care of the
79 | state's dependency system need appropriate health care services,

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

89 | (d) It is the intent of the Legislature to encourage the
90 | use of the drug court program model established by s. 397.334
91 | and authorize courts to assess parents and children where good
92 | cause is shown to identify and address substance abuse problems
93 | as the court deems appropriate at every stage of the dependency
94 | process. Participation in treatment, including a treatment-based
95 | drug court program, may be required by the court following
96 | adjudication. Participation in assessment and treatment prior to
97 | adjudication shall be voluntary, except as provided in s.
98 | 39.407(15).

99 | (e) It is therefore the purpose of the Legislature to
100 | provide authority for the state to contract with community
101 | substance abuse treatment providers for the development and
102 | operation of specialized support and overlay services for the
103 | dependency system, which will be fully implemented and used
104 | utilized as resources permit.

105 | (f) Participation in the treatment-based drug court
106 | program does not divest any public or private agency of its
107 | responsibility for a child or adult, but is intended to enable

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108 these agencies to better meet their needs through shared
109 responsibility and resources.

110 Section 2. Subsection (14) of section 39.407, Florida
111 Statutes, is amended, and subsection (15) is added to said
112 section, to read:

113 39.407 Medical, psychiatric, and psychological examination
114 and treatment of child; physical, ~~or~~ mental, or substance abuse
115 examination of ~~parent or~~ person with or requesting child custody
116 of child.--

117 (14) At any time after the filing of a shelter petition or
118 petition for dependency, when the mental or physical condition,
119 including the blood group, of a parent, caregiver, legal
120 custodian, or other person who has custody or is requesting
121 custody of a child is in controversy, the court may order the
122 person to submit to a physical or mental examination by a
123 qualified professional. The order may be made only upon good
124 cause shown and pursuant to notice and procedures as set forth
125 by the Florida Rules of Juvenile Procedure.

126 (15) At any time after a shelter petition or petition for
127 dependency is filed, the court may order a child or a person who
128 has custody or is requesting custody of the child to submit to a
129 substance abuse assessment and evaluation. The assessment or
130 evaluation must be administered by a qualified professional, as
131 defined in s. 397.311. The order may be made only upon good
132 cause shown. This subsection shall not be construed to authorize
133 placement of a child with a person seeking custody, other than
134 the parent or legal custodian, who requires substance abuse
135 treatment.

136 Section 3. Subsection (9) is added to section 39.507,
 137 Florida Statutes, to read:
 138 39.507 Adjudicatory hearings; orders of adjudication.--
 139 (9) After an adjudication of dependency, or a finding of
 140 dependency where adjudication is withheld, the court may order a
 141 child or a person who has custody or is requesting custody of
 142 the child to submit to a substance abuse assessment or
 143 evaluation. The assessment or evaluation must be administered by
 144 a qualified professional, as defined in s. 397.311. The court
 145 may also require such person to participate in and comply with
 146 treatment and services identified as necessary, including, when
 147 appropriate and available, participation in and compliance with
 148 a treatment-based drug court program established under s.
 149 397.334. In addition to supervision by the department, the
 150 court, including the treatment-based drug court program, may
 151 oversee the progress and compliance with treatment by the child
 152 or a person who has custody or is requesting custody of the
 153 child. The court may impose appropriate available sanctions for
 154 noncompliance upon the child or a person who has custody or is
 155 requesting custody of the child or make a finding of
 156 noncompliance for consideration in determining whether an
 157 alternative placement of the child is in the child's best
 158 interests. Any order entered under this subsection may be made
 159 only upon good cause shown. This subsection shall not be
 160 construed to authorize placement of a child with a person
 161 seeking custody, other than the parent or legal custodian, who
 162 requires substance abuse treatment.

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163 Section 4. Paragraph (b) of subsection (1) of section
164 39.521, Florida Statutes, is amended to read:

165 39.521 Disposition hearings; powers of disposition.--

166 (1) A disposition hearing shall be conducted by the court,
167 if the court finds that the facts alleged in the petition for
168 dependency were proven in the adjudicatory hearing, or if the
169 parents or legal custodians have consented to the finding of
170 dependency or admitted the allegations in the petition, have
171 failed to appear for the arraignment hearing after proper
172 notice, or have not been located despite a diligent search
173 having been conducted.

174 (b) When any child is adjudicated by a court to be
175 dependent, the court having jurisdiction of the child has the
176 power by order to:

177 1. Require the parent and, when appropriate, the legal
178 custodian and the child, to participate in treatment and
179 services identified as necessary. The court may require the
180 child or the person who has custody or who is requesting custody
181 of the child to submit to a substance abuse assessment or
182 evaluation. The assessment or evaluation must be administered by
183 a qualified professional, as defined in s. 397.311. The court
184 may also require such person to participate in and comply with
185 treatment and services identified as necessary, including, when
186 appropriate and available, participation in and compliance with
187 a treatment-based drug court program established under s.
188 397.334. In addition to supervision by the department, the
189 court, including the treatment-based drug court program, may
190 oversee the progress and compliance with treatment by the child

191 or a person who has custody or is requesting custody of the
 192 child. The court may impose appropriate available sanctions for
 193 noncompliance upon the child or a person who has custody or is
 194 requesting custody of the child or make a finding of
 195 noncompliance for consideration in determining whether an
 196 alternative placement of the child is in the child's best
 197 interests. Any order entered under this subparagraph may be made
 198 only upon good cause shown. This subparagraph shall not be
 199 construed to authorize placement of a child with a person
 200 seeking custody, other than the parent or legal custodian, who
 201 requires substance abuse treatment.

202 2. Require, if the court deems necessary, the parties to
 203 participate in dependency mediation.

204 3. Require placement of the child either under the
 205 protective supervision of an authorized agent of the department
 206 in the home of one or both of the child's parents or in the home
 207 of a relative of the child or another adult approved by the
 208 court, or in the custody of the department. Protective
 209 supervision continues until the court terminates it or until the
 210 child reaches the age of 18, whichever date is first. Protective
 211 supervision shall be terminated by the court whenever the court
 212 determines that permanency has been achieved for the child,
 213 whether with a parent, another relative, or a legal custodian,
 214 and that protective supervision is no longer needed. The
 215 termination of supervision may be with or without retaining
 216 jurisdiction, at the court's discretion, and shall in either
 217 case be considered a permanency option for the child. The order
 218 terminating supervision by the department shall set forth the

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219 powers of the custodian of the child and shall include the
 220 powers ordinarily granted to a guardian of the person of a minor
 221 unless otherwise specified. Upon the court's termination of
 222 supervision by the department, no further judicial reviews are
 223 required, so long as permanency has been established for the
 224 child.

225 Section 5. Paragraph (d) of subsection (9) of section
 226 39.701, Florida Statutes, is amended to read:

227 39.701 Judicial review.--

228 (9)

229 (d) The court may extend the time limitation of the case
 230 plan, or may modify the terms of the plan, which, in addition to
 231 other modifications, may include a requirement that the parent
 232 or legal custodian participate in a treatment-based drug court
 233 program established under s. 397.334 based upon information
 234 provided by the social service agency, and the guardian ad
 235 litem, if one has been appointed, the parent or parents, and the
 236 foster parents or legal custodian, and any other competent
 237 information on record demonstrating the need for the amendment.
 238 If the court extends the time limitation of the case plan, the
 239 court must make specific findings concerning the frequency of
 240 past parent-child visitation, if any, and the court may
 241 authorize the expansion or restriction of future visitation.
 242 Modifications to the plan must be handled as prescribed in s.
 243 39.601. Any extension of a case plan must comply with the time
 244 requirements and other requirements specified by this chapter.

245 Section 6. Section 397.334, Florida Statutes, is amended
 246 to read:

247 397.334 Treatment-based drug court programs.--
 248 (1) Each county may fund a treatment-based drug court
 249 program under which persons in the justice system assessed with
 250 a substance abuse problem will be processed in such a manner as
 251 to appropriately address the severity of the identified
 252 substance abuse problem through treatment services plans ~~plans~~
 253 tailored to the individual needs of the participant. It is the
 254 intent of the Legislature to encourage the Department of
 255 Corrections, the Department of Children and Family Services, the
 256 Department of Juvenile Justice, the Department of Health, the
 257 Department of Law Enforcement, the Department of Education, and
 258 such ~~other~~ agencies, local governments, law enforcement
 259 agencies, ~~and~~ other interested public or private sources, and
 260 individuals to support the creation and establishment of these
 261 problem-solving court programs. Participation in the treatment-
 262 based drug court programs does not divest any public or private
 263 agency of its responsibility for a child or adult, but enables
 264 ~~allows~~ these agencies to better meet their needs through shared
 265 responsibility and resources.

266 (2) Entry into any pretrial treatment-based drug court
 267 program shall be voluntary. The court may only order an
 268 individual to enter into a pretrial treatment-based drug court
 269 program upon written agreement by the individual, which shall
 270 include a statement that the individual understands the
 271 requirements of the program and the potential sanctions for
 272 noncompliance.

273 (3)~~(2)~~ The treatment-based drug court programs shall
 274 include therapeutic jurisprudence principles and adhere to the

275 following 10 key components, recognized by the Drug Courts
 276 Program Office of the Office of Justice Programs of the United
 277 States Department of Justice and adopted by the Florida Supreme
 278 Court Treatment-Based Drug Court Steering Committee:

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

281 (b) Using a nonadversarial approach, prosecution and
 282 defense counsel promote public safety while protecting
 283 participants' due process rights.

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

286 (d) Drug court programs provide access to a continuum of
 287 alcohol, drug, and other related treatment and rehabilitation
 288 services.

289 (e) Abstinence is monitored by frequent testing for
 290 alcohol and other drugs.

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

293 (g) Ongoing judicial interaction with each drug court
 294 program participant is essential.

295 (h) Monitoring and evaluation measure the achievement of
 296 program goals and gauge program effectiveness.

297 (i) Continuing interdisciplinary education promotes
 298 effective drug court program planning, implementation, and
 299 operations.

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

303 ~~(4)(3)~~ Treatment-based drug court programs may include
 304 pretrial intervention programs as provided in ss. 948.08,
 305 948.16, and 985.306, treatment-based drug court programs
 306 authorized in chapter 39, postadjudicatory programs, and the
 307 monitoring of sentenced offenders through a treatment-based drug
 308 court program. While enrolled in any treatment-based drug court
 309 program, the participant is subject to a coordinated strategy
 310 developed by the drug court team under paragraph (3)(f). Each
 311 coordinated strategy must include a protocol of sanctions that
 312 may be imposed upon the participant. The protocol of sanctions
 313 must include as available options placement in a secure licensed
 314 clinical or jail-based treatment program or serving a period of
 315 incarceration for noncompliance with program rules within the
 316 time limits established for contempt of court. The coordinated
 317 strategy must be provided in writing to the participant before
 318 the participant agrees to enter into a pretrial treatment-based
 319 drug court program.

320 (5) Contingent upon an annual appropriation by the
 321 Legislature, each judicial circuit shall establish, at a
 322 minimum, one coordinator position for the treatment-based drug
 323 court program within the state courts system to coordinate the
 324 responsibilities of the participating agencies and service
 325 providers. Each coordinator shall provide direct support to the
 326 treatment-based drug court program by providing coordination
 327 between the multidisciplinary team and the judiciary, providing
 328 case management, monitoring compliance of the participants in
 329 the treatment-based drug court program with court requirements,
 330 and providing program evaluation and accountability.

331 ~~(6)(4)~~(a) The Florida Association of Drug Court ~~Program~~
 332 Professionals is created. The membership of the association may
 333 consist of treatment-based drug court program practitioners who
 334 comprise the multidisciplinary treatment-based drug court
 335 program team, including, but not limited to, judges, state
 336 attorneys, defense counsel, ~~drug court~~ program coordinators,
 337 probation officers, law enforcement officers, community
 338 representatives, members of the academic community, and
 339 treatment professionals. Membership in the association shall be
 340 voluntary.

341 (b) The association shall annually elect a chair whose
 342 duty is to solicit recommendations from members on issues
 343 relating to the expansion, operation, and institutionalization
 344 of treatment-based drug court programs. The chair is responsible
 345 for providing on or before October 1 of each year the
 346 association's recommendations and an annual report to the
 347 appropriate Supreme Court ~~Treatment-Based Drug Court Steering~~
 348 committee or to the appropriate personnel of the Office of the
 349 State Courts Administrator, ~~and shall submit a report each year,~~
 350 ~~on or before October 1, to the steering committee.~~

351 ~~(7)(5)~~ If a county chooses to fund a treatment-based drug
 352 court program, the county must secure funding from sources other
 353 than the state for those costs not otherwise assumed by the
 354 state pursuant to s. 29.004. However, this does not preclude
 355 counties from using treatment and other service dollars provided
 356 through state executive branch agencies. Counties may provide,
 357 by interlocal agreement, for the collective funding of these
 358 programs.

359 (8) The chief judge of each judicial circuit may appoint
 360 an advisory committee for the treatment-based drug court
 361 program. The committee shall be composed of the chief judge, or
 362 his or her designee, who shall serve as chair; the judge of the
 363 treatment-based drug court program, if not otherwise designated
 364 by the chief judge as his or her designee; the state attorney,
 365 or his or her designee; the public defender, or his or her
 366 designee; the treatment-based drug court program coordinators;
 367 community representatives; treatment representatives; and any
 368 other persons the chair finds are appropriate.

369 Section 7. Paragraphs (b) and (e) of subsection (5) of
 370 section 910.035, Florida Statutes, are amended to read:

371 910.035 Transfer from county for plea and sentence.--

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

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

382 (e) Upon successful completion of the drug court program,
 383 the jurisdiction to which the case has been transferred shall
 384 dispose of the case pursuant to s. 948.08(6). If the defendant
 385 does not complete the drug court program successfully, the
 386 jurisdiction to which the case has been transferred shall

387 dispose of the case within the guidelines of the Criminal
 388 Punishment Code ~~ease shall be prosecuted as determined by the~~
 389 ~~state attorneys of the sending and receiving counties.~~

390 Section 8. Subsections (6), (7), and (8) of section
 391 948.08, Florida Statutes, are amended to read:

392 948.08 Pretrial intervention program.--

393 (6)(a) Notwithstanding any provision of this section, a
 394 person who is charged with a felony of the second or third
 395 degree for purchase or possession of a controlled substance
 396 under chapter 893, prostitution, tampering with evidence,
 397 solicitation for purchase of a controlled substance, or
 398 obtaining a prescription by fraud; who has not been charged with
 399 a crime involving violence, including, but not limited to,
 400 murder, sexual battery, robbery, carjacking, home-invasion
 401 robbery, or any other crime involving violence; and who has not
 402 previously been convicted of a felony nor been admitted to a
 403 felony pretrial program referred to in this section is eligible
 404 for voluntary admission into a pretrial substance abuse
 405 education and treatment intervention program, including a
 406 treatment-based drug court program established pursuant to s.
 407 397.334, approved by the chief judge of the circuit, for a
 408 period of not less than 1 year in duration, upon motion of
 409 either party or the court's own motion, except:

410 1. If a defendant was previously offered admission to a
 411 pretrial substance abuse education and treatment intervention
 412 program at any time prior to trial and the defendant rejected
 413 that offer on the record, then the court or the state attorney
 414 may deny the defendant's admission to such a program.

415 2. If the state attorney believes that the facts and
 416 circumstances of the case suggest the defendant's involvement in
 417 the dealing and selling of controlled substances, the court
 418 shall hold a preadmission hearing. If the state attorney
 419 establishes, by a preponderance of the evidence at such hearing,
 420 that the defendant was involved in the dealing or selling of
 421 controlled substances, the court shall deny the defendant's
 422 admission into a pretrial intervention program.

423 (b) While enrolled in a pretrial intervention program
 424 authorized by this section, the participant is subject to a
 425 coordinated strategy developed by a drug court team under s.
 426 397.334(3). The coordinated strategy must include a protocol of
 427 sanctions that may be imposed upon the participant. The protocol
 428 of sanctions must include as available options placement in a
 429 secure licensed clinical or jail-based treatment program or
 430 serving a period of incarceration for noncompliance with program
 431 rules within the time limits established for contempt of court.
 432 The coordinated strategy must be provided in writing to the
 433 participant before the participant agrees to enter into a
 434 pretrial treatment-based drug court program, or other pretrial
 435 intervention program.

436 (c)~~(b)~~ At the end of the pretrial intervention period, the
 437 court shall consider the recommendation of the administrator
 438 pursuant to subsection (5) and the recommendation of the state
 439 attorney as to disposition of the pending charges. The court
 440 shall determine, by written finding, whether the defendant has
 441 successfully completed the pretrial intervention program.

442 ~~(e)1.~~ If the court finds that the defendant has not
 443 successfully completed the pretrial intervention program, the
 444 court may order the person to continue in education and
 445 treatment, which may include secure licensed clinical or jail-
 446 based treatment programs, or order that the charges revert to
 447 normal channels for prosecution.

448 2. The court shall dismiss the charges upon a finding that
 449 the defendant has successfully completed the pretrial
 450 intervention program.

451 (d) Any entity, whether public or private, providing a
 452 pretrial substance abuse education and treatment intervention
 453 program under this subsection must contract with the county or
 454 appropriate governmental entity, and the terms of the contract
 455 must include, but need not be limited to, the requirements
 456 established for private entities under s. 948.15(3).

457 ~~(7) The chief judge in each circuit may appoint an~~
 458 ~~advisory committee for the pretrial intervention program~~
 459 ~~composed of the chief judge or his or her designee, who shall~~
 460 ~~serve as chair; the state attorney, the public defender, and the~~
 461 ~~program administrator, or their designees; and such other~~
 462 ~~persons as the chair deems appropriate. The advisory committee~~
 463 ~~may not designate any defendant eligible for a pretrial~~
 464 ~~intervention program for any offense that is not listed under~~
 465 ~~paragraph (6)(a) without the state attorney's recommendation and~~
 466 ~~approval. The committee may also include persons representing~~
 467 ~~any other agencies to which persons released to the pretrial~~
 468 ~~intervention program may be referred.~~

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469 ~~(7)(8)~~ The department may contract for the services and
470 facilities necessary to operate pretrial intervention programs.

471 Section 9. Section 948.16, Florida Statutes, is amended to
472 read:

473 948.16 Misdemeanor pretrial substance abuse education and
474 treatment intervention program.--

475 (1)(a) A person who is charged with a misdemeanor for
476 possession of a controlled substance or drug paraphernalia under
477 chapter 893, and who has not previously been convicted of a
478 felony nor been admitted to a pretrial program, is eligible for
479 voluntary admission into a misdemeanor pretrial substance abuse
480 education and treatment intervention program, including a
481 treatment-based drug court program established pursuant to s.
482 397.334, approved by the chief judge of the circuit, for a
483 period based on the program requirements and the treatment plan
484 for the offender, upon motion of either party or the court's own
485 motion, except, if the state attorney believes the facts and
486 circumstances of the case suggest the defendant is involved in
487 dealing and selling controlled substances, the court shall hold
488 a preadmission hearing. If the state attorney establishes, by a
489 preponderance of the evidence at such hearing, that the
490 defendant was involved in dealing or selling controlled
491 substances, the court shall deny the defendant's admission into
492 the pretrial intervention program.

493 (b) While enrolled in a pretrial intervention program
494 authorized by this section, the participant is subject to a
495 coordinated strategy developed by a drug court team under s.
496 397.334(3). The coordinated strategy must include a protocol of

497 sanctions that may be imposed upon the participant. The protocol
 498 of sanctions must include as available options placement in a
 499 secure licensed clinical or jail-based treatment program or
 500 serving a period of incarceration for noncompliance with program
 501 rules within the time limits established for contempt of court.
 502 The coordinated strategy must be provided in writing to the
 503 participant before the participant agrees to enter into a
 504 pretrial treatment-based drug court program, or other pretrial
 505 intervention program.

506 (2) At the end of the pretrial intervention period, the
 507 court shall consider the recommendation of the treatment program
 508 and the recommendation of the state attorney as to disposition
 509 of the pending charges. The court shall determine, by written
 510 finding, whether the defendant successfully completed the
 511 pretrial intervention program.

512 ~~(a)~~ If the court finds that the defendant has not
 513 successfully completed the pretrial intervention program, the
 514 court may order the person to continue in education and
 515 treatment or return the charges to the criminal docket for
 516 prosecution.

517 ~~(b)~~ The court shall dismiss the charges upon finding that
 518 the defendant has successfully completed the pretrial
 519 intervention program.

520 (3) Any public or private entity providing a pretrial
 521 substance abuse education and treatment program under this
 522 section shall contract with the county or appropriate
 523 governmental entity. The terms of the contract shall include,

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524 but not be limited to, the requirements established for private
525 entities under s. 948.15(3).

526 Section 10. Section 985.306, Florida Statutes, is amended
527 to read:

528 985.306 Delinquency pretrial intervention program.--

529 (1)~~(a)~~ Notwithstanding any provision of law to the
530 contrary, a child who is charged ~~under chapter 893~~ with a felony
531 of the second or third degree for purchase or possession of a
532 controlled substance under chapter 893; tampering with evidence;
533 solicitation for purchase of a controlled substance; or
534 obtaining a prescription by fraud, and who has not previously
535 been adjudicated for a felony ~~nor been admitted to a delinquency~~
536 ~~pretrial intervention program under this section,~~ is eligible
537 for voluntary admission into a delinquency pretrial substance
538 abuse education and treatment intervention program, including a
539 treatment-based drug court program established pursuant to s.
540 397.334, approved by the chief judge or alternative sanctions
541 coordinator of the circuit to the extent that funded programs
542 are available, for a period based on the program requirements
543 and the treatment services that are suitable for the offender ~~of~~
544 ~~not less than 1 year in duration,~~ upon motion of either party or
545 the court's own motion. If the state attorney believes that the
546 facts and circumstances of the case suggest the child's
547 involvement in the dealing and selling of controlled substances,
548 the court shall hold a preadmission hearing. If the state
549 attorney establishes by a preponderance of the evidence at such
550 hearing that the child was involved in the dealing and selling

551 of controlled substances, the court shall deny the child's
552 admission into a delinquency pretrial intervention program.

553 (2) While enrolled in a delinquency pretrial intervention
554 program authorized by this section, a child is subject to a
555 coordinated strategy developed by a drug court team under s.
556 397.334(3). The coordinated strategy must include a protocol of
557 sanctions that may be imposed upon the child. The protocol of
558 sanctions must include as available options placement in a
559 secure licensed clinical facility or placement in a secure
560 detention facility under s. 985.216 for noncompliance with
561 program rules. The coordinated strategy must be provided in
562 writing to the child before the child agrees to enter the
563 pretrial treatment-based drug court program, or other pretrial
564 intervention program.

565 (3)(b) At the end of the delinquency pretrial intervention
566 period, the court shall consider the recommendation of the state
567 attorney and the program administrator as to disposition of the
568 pending charges. The court shall determine, by written finding,
569 whether the child has successfully completed the delinquency
570 pretrial intervention program.

571 ~~(e)1.~~ If the court finds that the child has not
572 successfully completed the delinquency pretrial intervention
573 program, the court may order the child to continue in an
574 education, treatment, or urine monitoring program if resources
575 and funding are available or order that the charges revert to
576 normal channels for prosecution.

577 ~~2.~~ The court may dismiss the charges upon a finding that
578 the child has successfully completed the delinquency pretrial
579 intervention program.

580 (4)(d) Any entity, whether public or private, providing
581 pretrial substance abuse education, treatment intervention, and
582 a urine monitoring program under this section must contract with
583 the county or appropriate governmental entity, and the terms of
584 the contract must include, but need not be limited to, the
585 requirements established for private entities under s.
586 948.15(3). It is the intent of the Legislature that public or
587 private entities providing substance abuse education and
588 treatment intervention programs involve the active participation
589 of parents, schools, churches, businesses, law enforcement
590 agencies, and the department or its contract providers.

591 ~~(2) The chief judge in each circuit may appoint an
592 advisory committee for the delinquency pretrial intervention
593 program composed of the chief judge or designee, who shall serve
594 as chair; the state attorney, the public defender, and the
595 program administrator, or their designees; and such other
596 persons as the chair deems appropriate. The committee may also
597 include persons representing any other agencies to which
598 children released to the delinquency pretrial intervention
599 program may be referred.~~

600 Section 11. This act shall take effect upon becoming a
601 law.