

1 A bill to be entitled
2 An act relating to drug court programs; amending s.
3 39.001, F.S.; providing additional legislative purposes
4 and intent with respect to the treatment of substance
5 abuse, including the use of the drug court program model;
6 authorizing the court to require certain persons to
7 undergo treatment following adjudication; amending s.
8 39.407, F.S.; authorizing the court to order specified
9 persons to submit to a substance abuse assessment upon a
10 showing of good cause in connection with a shelter
11 petition or petition for dependency; amending ss. 39.507
12 and 39.521, F.S.; authorizing the court to order specified
13 persons to submit to a substance abuse assessment as part
14 of an adjudicatory order or pursuant to a disposition
15 hearing; requiring a showing of good cause; authorizing
16 the court to require participation in a treatment-based
17 drug court program; authorizing the court to impose
18 sanctions for noncompliance; amending s. 39.701, F.S.;
19 authorizing the court to extend the time for completing a
20 case plan during judicial review, based upon participation
21 in a treatment-based drug court program; amending s.
22 397.334, F.S.; revising legislative intent with respect to
23 treatment-based drug court programs to reflect
24 participation by community support agencies, the
25 Department of Education, and other individuals; including
26 postadjudicatory programs as part of treatment-based drug
27 court programs; providing requirements and sanctions,
28 including clinical placement or incarceration, for the

29 | coordinated strategy developed by the drug court team to
30 | encourage participant compliance; requiring each judicial
31 | circuit to establish a position for a coordinator of the
32 | treatment-based drug court program, subject to annual
33 | appropriation by the Legislature; authorizing the chief
34 | judge of each judicial circuit to appoint an advisory
35 | committee for the treatment-based drug court program;
36 | providing for membership of the committee; revising
37 | language with respect to an annual report; amending s.
38 | 910.035, F.S.; revising language with respect to
39 | conditions for the transfer of a case in the drug court
40 | treatment program to a county other than that in which the
41 | charge arose; amending ss. 948.08, 948.16, and 985.306,
42 | F.S., relating to felony, misdemeanor, and delinquency
43 | pretrial substance abuse education and treatment
44 | intervention programs; providing requirements and
45 | sanctions, including clinical placement or incarceration,
46 | for the coordinated strategy developed by the drug court
47 | team to encourage participant compliance and removing
48 | provisions authorizing appointment of an advisory
49 | committee, to conform to changes made by the act;
50 | providing an effective date.

51 |
52 | Be It Enacted by the Legislature of the State of Florida:

53 |
54 | Section 1. Subsection (4) of section 39.001, Florida
55 | Statutes, is amended to read:

56 39.001 Purposes and intent; personnel standards and
57 screening.--

58 (4) SUBSTANCE ABUSE SERVICES.--

59 (a) The Legislature recognizes that early referral and
60 comprehensive treatment can help combat substance abuse in
61 families and that treatment is cost effective.

62 (b) The Legislature establishes the following goals for
63 the state related to substance abuse treatment services in the
64 dependency process:

65 1. To ensure the safety of children.

66 2. To prevent and remediate the consequences of substance
67 abuse on families involved in protective supervision or foster
68 care and reduce substance abuse, including alcohol abuse, for
69 families who are at risk of being involved in protective
70 supervision or foster care.

71 3. To expedite permanency for children and reunify
72 healthy, intact families, when appropriate.

73 4. To support families in recovery.

74 (c) The Legislature finds that children in the care of the
75 state's dependency system need appropriate health care services,
76 that the impact of substance abuse on health indicates the need
77 for health care services to include substance abuse services to
78 children and parents where appropriate, and that it is in the
79 state's best interest that such children be provided the
80 services they need to enable them to become and remain
81 independent of state care. In order to provide these services,
82 the state's dependency system must have the ability to identify

83 and provide appropriate intervention and treatment for children
84 with personal or family-related substance abuse problems.

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

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

101 (f) Participation in the treatment-based drug court
102 program does not divest any public or private agency of its
103 responsibility for a child or adult, but is intended to enable
104 these agencies to better meet their needs through shared
105 responsibility and resources.

106 Section 2. Subsection (14) of section 39.407, Florida
107 Statutes, is amended, and subsection (15) is added to said
108 section, to read:

109 39.407 Medical, psychiatric, and psychological examination
110 and treatment of child; physical, ~~or~~ mental, or substance abuse

111 examination of ~~parent or~~ person with or requesting child custody
 112 ~~of child.~~--

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

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

132 Section 3. Subsection (9) is added to section 39.507,
 133 Florida Statutes, to read:

134 39.507 Adjudicatory hearings; orders of adjudication.--

135 (9) After an adjudication of dependency, or a finding of
 136 dependency where adjudication is withheld, the court may order a
 137 child or a person who has custody or is requesting custody of
 138 the child to submit to a substance abuse assessment or

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

159 Section 4. Paragraph (b) of subsection (1) of section
160 39.521, Florida Statutes, is amended to read:

161 39.521 Disposition hearings; powers of disposition.--

162 (1) A disposition hearing shall be conducted by the court,
163 if the court finds that the facts alleged in the petition for
164 dependency were proven in the adjudicatory hearing, or if the
165 parents or legal custodians have consented to the finding of
166 dependency or admitted the allegations in the petition, have

167 failed to appear for the arraignment hearing after proper
168 notice, or have not been located despite a diligent search
169 having been conducted.

170 (b) When any child is adjudicated by a court to be
171 dependent, the court having jurisdiction of the child has the
172 power by order to:

173 1. Require the parent and, when appropriate, the legal
174 custodian and the child, to participate in treatment and
175 services identified as necessary. The court may require the
176 child or the person who has custody or who is requesting custody
177 of the child to submit to a substance abuse assessment or
178 evaluation. The assessment or evaluation must be administered by
179 a qualified professional, as defined in s. 397.311. The court
180 may also require such person to participate in and comply with
181 treatment and services identified as necessary, including, when
182 appropriate and available, participation in and compliance with
183 a treatment-based drug court program established under s.
184 397.334. In addition to supervision by the department, the
185 court, including the treatment-based drug court program, may
186 oversee the progress and compliance with treatment by the child
187 or a person who has custody or is requesting custody of the
188 child. The court may impose appropriate available sanctions for
189 noncompliance upon the child or a person who has custody or is
190 requesting custody of the child or make a finding of
191 noncompliance for consideration in determining whether an
192 alternative placement of the child is in the child's best
193 interests. Any order entered under this subparagraph may be made
194 only upon good cause shown. This subparagraph shall not be

195 construed to authorize placement of a child with a person
196 seeking custody, other than the parent or legal custodian, who
197 requires substance abuse treatment.

198 2. Require, if the court deems necessary, the parties to
199 participate in dependency mediation.

200 3. Require placement of the child either under the
201 protective supervision of an authorized agent of the department
202 in the home of one or both of the child's parents or in the home
203 of a relative of the child or another adult approved by the
204 court, or in the custody of the department. Protective
205 supervision continues until the court terminates it or until the
206 child reaches the age of 18, whichever date is first. Protective
207 supervision shall be terminated by the court whenever the court
208 determines that permanency has been achieved for the child,
209 whether with a parent, another relative, or a legal custodian,
210 and that protective supervision is no longer needed. The
211 termination of supervision may be with or without retaining
212 jurisdiction, at the court's discretion, and shall in either
213 case be considered a permanency option for the child. The order
214 terminating supervision by the department shall set forth the
215 powers of the custodian of the child and shall include the
216 powers ordinarily granted to a guardian of the person of a minor
217 unless otherwise specified. Upon the court's termination of
218 supervision by the department, no further judicial reviews are
219 required, so long as permanency has been established for the
220 child.

221 Section 5. Paragraph (d) of subsection (9) of section
222 39.701, Florida Statutes, is amended to read:

223 | 39.701 Judicial review.--

224 | (9)

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

241 | Section 6. Section 397.334, Florida Statutes, is amended
242 | to read:

243 | 397.334 Treatment-based drug court programs.--

244 | (1) Each county may fund a treatment-based drug court
245 | program under which persons in the justice system assessed with
246 | a substance abuse problem will be processed in such a manner as
247 | to appropriately address the severity of the identified
248 | substance abuse problem through treatment services ~~plans~~
249 | tailored to the individual needs of the participant. It is the
250 | intent of the Legislature to encourage the Department of

251 Corrections, the Department of Children and Family Services, the
252 Department of Juvenile Justice, the Department of Health, the
253 Department of Law Enforcement, the Department of Education, and
254 such ~~other~~ agencies, local governments, law enforcement
255 agencies, ~~and~~ other interested public or private sources, and
256 individuals to support the creation and establishment of these
257 problem-solving court programs. Participation in the treatment-
258 based drug court programs does not divest any public or private
259 agency of its responsibility for a child or adult, but enables
260 ~~allows~~ these agencies to better meet their needs through shared
261 responsibility and resources.

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

269 (3)~~(2)~~ The treatment-based drug court programs shall
270 include therapeutic jurisprudence principles and adhere to the
271 following 10 key components, recognized by the Drug Courts
272 Program Office of the Office of Justice Programs of the United
273 States Department of Justice and adopted by the Florida Supreme
274 Court Treatment-Based Drug Court Steering Committee:

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

277 (b) Using a nonadversarial approach, prosecution and
 278 defense counsel promote public safety while protecting
 279 participants' due process rights.

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

282 (d) Drug court programs provide access to a continuum of
 283 alcohol, drug, and other related treatment and rehabilitation
 284 services.

285 (e) Abstinence is monitored by frequent testing for
 286 alcohol and other drugs.

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

289 (g) Ongoing judicial interaction with each drug court
 290 program participant is essential.

291 (h) Monitoring and evaluation measure the achievement of
 292 program goals and gauge program effectiveness.

293 (i) Continuing interdisciplinary education promotes
 294 effective drug court program planning, implementation, and
 295 operations.

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

299 ~~(4)~~⁽³⁾ Treatment-based drug court programs may include
 300 pretrial intervention programs as provided in ss. 948.08,
 301 948.16, and 985.306, treatment-based drug court programs
 302 authorized in chapter 39, postadjudicatory programs, and the
 303 monitoring of sentenced offenders through a treatment-based drug
 304 court program. While enrolled in any treatment-based drug court

305 program, the participant is subject to a coordinated strategy
 306 developed by the drug court team under paragraph (3)(f). Each
 307 coordinated strategy must include a protocol of sanctions that
 308 may be imposed upon the participant. The protocol of sanctions
 309 must include as available options placement in a secure licensed
 310 clinical or jail-based treatment program or serving a period of
 311 incarceration for noncompliance with program rules within the
 312 time limits established for contempt of court. The coordinated
 313 strategy must be provided in writing to the participant before
 314 the participant agrees to enter into a pretrial treatment-based
 315 drug court program.

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

327 (6)-(4)(a) The Florida Association of Drug Court Program
 328 Professionals is created. The membership of the association may
 329 consist of treatment-based drug court program practitioners who
 330 comprise the multidisciplinary treatment-based drug court
 331 program team, including, but not limited to, judges, state
 332 attorneys, defense counsel, ~~drug court~~ program coordinators,

333 | probation officers, law enforcement officers, community
334 | representatives, members of the academic community, and
335 | treatment professionals. Membership in the association shall be
336 | voluntary.

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

347 | (7)-(5) If a county chooses to fund a treatment-based drug
348 | court program, the county must secure funding from sources other
349 | than the state for those costs not otherwise assumed by the
350 | state pursuant to s. 29.004. However, this does not preclude
351 | counties from using treatment and other service dollars provided
352 | through state executive branch agencies. Counties may provide,
353 | by interlocal agreement, for the collective funding of these
354 | programs.

355 | (8) The chief judge of each judicial circuit may appoint
356 | an advisory committee for the treatment-based drug court
357 | program. The committee shall be composed of the chief judge, or
358 | his or her designee, who shall serve as chair; the judge of the
359 | treatment-based drug court program, if not otherwise designated
360 | by the chief judge as his or her designee; the state attorney,

361 or his or her designee; the public defender, or his or her
 362 designee; the treatment-based drug court program coordinators;
 363 community representatives; treatment representatives; and any
 364 other persons the chair finds are appropriate.

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

367 910.035 Transfer from county for plea and sentence.--

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

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

378 (e) Upon successful completion of the drug court program,
 379 the jurisdiction to which the case has been transferred shall
 380 dispose of the case pursuant to s. 948.08(6). If the defendant
 381 does not complete the drug court program successfully, the
 382 jurisdiction to which the case has been transferred shall
 383 dispose of the case within the guidelines of the Criminal
 384 Punishment Code ~~case shall be prosecuted as determined by the~~
 385 ~~state attorneys of the sending and receiving counties.~~

386 Section 8. Subsections (6), (7), and (8) of section
 387 948.08, Florida Statutes, are amended to read:

388 948.08 Pretrial intervention program.--

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

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

411 2. If the state attorney believes that the facts and
412 circumstances of the case suggest the defendant's involvement in
413 the dealing and selling of controlled substances, the court
414 shall hold a preadmission hearing. If the state attorney
415 establishes, by a preponderance of the evidence at such hearing,
416 that the defendant was involved in the dealing or selling of

417 controlled substances, the court shall deny the defendant's
418 admission into a pretrial intervention program.

419 (b) While enrolled in a pretrial intervention program
420 authorized by this section, the participant is subject to a
421 coordinated strategy developed by a drug court team under s.
422 397.334(3). The coordinated strategy must include a protocol of
423 sanctions that may be imposed upon the participant. The protocol
424 of sanctions must include as available options placement in a
425 secure licensed clinical or jail-based treatment program or
426 -serving a period of incarceration for noncompliance with program
427 rules within the time limits established for contempt of court.
428 The coordinated strategy must be provided in writing to the
429 participant before the participant agrees to enter into a
430 pretrial treatment-based drug court program, or other pretrial
431 intervention program.

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

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

444 2. The court shall dismiss the charges upon a finding that
445 the defendant has successfully completed the pretrial
446 intervention program.

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

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

465 (7)(8) The department may contract for the services and
466 facilities necessary to operate pretrial intervention programs.

467 Section 9. Section 948.16, Florida Statutes, is amended to
468 read:

469 948.16 Misdemeanor pretrial substance abuse education and
470 treatment intervention program.--

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

489 (b) While enrolled in a pretrial intervention program
490 authorized by this section, the participant is subject to a
491 coordinated strategy developed by a drug court team under s.
492 397.334(3). The coordinated strategy must include a protocol of
493 sanctions that may be imposed upon the participant. The protocol
494 of sanctions must include as available options placement in a
495 secure licensed clinical or jail-based treatment program or
496 serving a period of incarceration for noncompliance with program
497 rules within the time limits established for contempt of court.
498 The coordinated strategy must be provided in writing to the

499 participant before the participant agrees to enter into a
 500 pretrial treatment-based drug court program, or other pretrial
 501 intervention program.

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

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

513 ~~(b)~~ The court shall dismiss the charges upon finding that
 514 the defendant has successfully completed the pretrial
 515 intervention program.

516 (3) Any public or private entity providing a pretrial
 517 substance abuse education and treatment program under this
 518 section shall contract with the county or appropriate
 519 governmental entity. The terms of the contract shall include,
 520 but not be limited to, the requirements established for private
 521 entities under s. 948.15(3).

522 Section 10. Section 985.306, Florida Statutes, is amended
 523 to read:

524 985.306 Delinquency pretrial intervention program.--

525 (1) ~~(a)~~ Notwithstanding any provision of law to the
 526 contrary, a child who is charged ~~under chapter 893~~ with a felony

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

549 (2) While enrolled in a delinquency pretrial intervention
550 program authorized by this section, a child is subject to a
551 coordinated strategy developed by a drug court team under s.
552 397.334(3). The coordinated strategy must include a protocol of
553 sanctions that may be imposed upon the child. The protocol of
554 sanctions must include as available options placement in a

555 secure licensed clinical facility or placement in a secure
556 detention facility under s. 985.216 for noncompliance with
557 program rules. The coordinated strategy must be provided in
558 writing to the child before the child agrees to enter the
559 pretrial treatment-based drug court program, or other pretrial
560 intervention program.

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

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

573 ~~2.~~ The court may dismiss the charges upon a finding that
574 the child has successfully completed the delinquency pretrial
575 intervention program.

576 (4)(d) Any entity, whether public or private, providing
577 pretrial substance abuse education, treatment intervention, and
578 a urine monitoring program under this section must contract with
579 the county or appropriate governmental entity, and the terms of
580 the contract must include, but need not be limited to, the
581 requirements established for private entities under s.
582 948.15(3). It is the intent of the Legislature that public or

583 private entities providing substance abuse education and
584 treatment intervention programs involve the active participation
585 of parents, schools, churches, businesses, law enforcement
586 agencies, and the department or its contract providers.

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

596 Section 11. This act shall take effect upon becoming a
597 law.