

Bill No. CS for CS for CS for SB's 114 & 444

Barcode 495964

CHAMBER ACTION

Senate

House

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11 The Committee on Justice Appropriations (Argenziano)
12 recommended the following amendment:

14 **Senate Amendment (with title amendment)**
15 Delete everything after the enacting clause

17 and insert:

18 Section 1. This act may be cited as the "Robert J.
19 Koch Drug Court Intervention Act."

20 Section 2. Subsection (4) of section 39.001, Florida
21 Statutes, is amended to read:

22 39.001 Purposes and intent; personnel standards and
23 screening.--

24 (4) SUBSTANCE ABUSE SERVICES.--

25 (a) The Legislature recognizes that early referral and
26 comprehensive treatment can help combat substance abuse in
27 families and that treatment is cost effective.

28 (b) The Legislature establishes the following goals
29 for the state related to substance abuse treatment services in
30 the dependency process:

31 1. To ensure the safety of children.

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1 2. To prevent and remediate the consequences of
 2 substance abuse on families involved in protective supervision
 3 or foster care and reduce substance abuse, including alcohol
 4 abuse, for families who are at risk of being involved in
 5 protective supervision or foster care.

6 3. To expedite permanency for children and reunify
 7 healthy, intact families, when appropriate.

8 4. To support families in recovery.

9 (c) The Legislature finds that children in the care of
 10 the state's dependency system need appropriate health care
 11 services, that the impact of substance abuse on health
 12 indicates the need for health care services to include
 13 substance abuse services to children and parents where
 14 appropriate, and that it is in the state's best interest that
 15 such children be provided the services they need to enable
 16 them to become and remain independent of state care. In order
 17 to provide these services, the state's dependency system must
 18 have the ability to identify and provide appropriate
 19 intervention and treatment for children with personal or
 20 family-related substance abuse problems.

21 (d) It is the intent of the Legislature to encourage
 22 the use of the drug court program model established by s.
 23 397.334 and authorize courts to assess children and persons
 24 who have custody or are requesting custody of children where
 25 good cause is shown to identify and address substance abuse
 26 problems as the court deems appropriate at every stage of the
 27 dependency process. Participation in treatment, including a
 28 treatment-based drug court program, may be required by the
 29 court following adjudication. Participation in assessment and
 30 treatment prior to adjudication shall be voluntary, except as
 31 provided in s. 39.407(16).

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1 (e) It is therefore the purpose of the Legislature to
 2 provide authority for the state to contract with community
 3 substance abuse treatment providers for the development and
 4 operation of specialized support and overlay services for the
 5 dependency system, which will be fully implemented and used
 6 ~~utilized~~ as resources permit.

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

12 Section 3. Subsection (15) of section 39.407, Florida
 13 Statutes, is amended, and subsection (16) is added to that
 14 section, to read:

15 39.407 Medical, psychiatric, and psychological
 16 examination and treatment of child; physical, ~~or~~ mental, or
 17 substance abuse examination of ~~parent or~~ person with or
 18 requesting child custody ~~of child.~~--

19 (15) At any time after the filing of a shelter
 20 petition or petition for dependency, when the mental or
 21 physical condition, including the blood group, of a parent,
 22 caregiver, legal custodian, or other person who has custody or
 23 is requesting custody of a child is in controversy, the court
 24 may order the person to submit to a physical or mental
 25 examination by a qualified professional. The order may be made
 26 only upon good cause shown and pursuant to notice and
 27 procedures as set forth by the Florida Rules of Juvenile
 28 Procedure.

29 (16) At any time after a shelter petition or petition
 30 for dependency is filed, the court may order a person who has
 31 custody or is requesting custody of the child to submit to a

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1 substance abuse assessment or evaluation. The assessment or
 2 evaluation must be administered by a qualified professional,
 3 as defined in s. 397.311. The order may be made only upon good
 4 cause shown. This subsection does not authorize placement of a
 5 child with a person seeking custody, other than the parent or
 6 legal custodian, who requires substance abuse treatment.

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

9 39.507 Adjudicatory hearings; orders of
 10 adjudication.--

11 (9) After an adjudication of dependency, or a finding
 12 of dependency where adjudication is withheld, the court may
 13 order a person who has custody or is requesting custody of the
 14 child to submit to a substance abuse assessment or evaluation.
 15 The assessment or evaluation must be administered by a
 16 qualified professional, as defined in s. 397.311. The court
 17 may also require such person to participate in and comply with
 18 treatment and services identified as necessary, including,
 19 when appropriate and available, participation in and
 20 compliance with a treatment-based drug court program
 21 established under s. 397.334. In addition to supervision by
 22 the department, the court, including the treatment-based drug
 23 court program, may oversee the progress and compliance with
 24 treatment by a person who has custody or is requesting custody
 25 of the child. The court may impose appropriate available
 26 sanctions for noncompliance upon a person who has custody or
 27 is requesting custody of the child or make a finding of
 28 noncompliance for consideration in determining whether an
 29 alternative placement of the child is in the child's best
 30 interests. Any order entered under this subsection may be made
 31 only upon good cause shown. This subsection does not authorize

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1 placement of a child with a person seeking custody, other than
2 the parent or legal custodian, who requires substance abuse
3 treatment.

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

6 39.521 Disposition hearings; powers of disposition.--

7 (1) A disposition hearing shall be conducted by the
8 court, if the court finds that the facts alleged in the
9 petition for dependency were proven in the adjudicatory
10 hearing, or if the parents or legal custodians have consented
11 to the finding of dependency or admitted the allegations in
12 the petition, have failed to appear for the arraignment
13 hearing after proper notice, or have not been located despite
14 a diligent search having been conducted.

15 (b) When any child is adjudicated by a court to be
16 dependent, the court having jurisdiction of the child has the
17 power by order to:

18 1. Require the parent and, when appropriate, the legal
19 custodian and the child, to participate in treatment and
20 services identified as necessary. The court may require the
21 person who has custody or who is requesting custody of the
22 child to submit to a substance abuse assessment or evaluation.
23 The assessment or evaluation must be administered by a
24 qualified professional, as defined in s. 397.311. The court
25 may also require such person to participate in and comply with
26 treatment and services identified as necessary, including,
27 when appropriate and available, participation in and
28 compliance with a treatment-based drug court program
29 established under s. 397.334. In addition to supervision by
30 the department, the court, including the treatment-based drug
31 court program, may oversee the progress and compliance with

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1 treatment by a person who has custody or is requesting custody
 2 of the child. The court may impose appropriate available
 3 sanctions for noncompliance upon a person who has custody or
 4 is requesting custody of the child or make a finding of
 5 noncompliance for consideration in determining whether an
 6 alternative placement of the child is in the child's best
 7 interests. Any order entered under this subparagraph may be
 8 made only upon good cause shown. This subparagraph does not
 9 authorize placement of a child with a person seeking custody
 10 of the child, other than the child's parent or legal
 11 custodian, who requires substance abuse treatment.

12 2. Require, if the court deems necessary, the parties
 13 to participate in dependency mediation.

14 3. Require placement of the child either under the
 15 protective supervision of an authorized agent of the
 16 department in the home of one or both of the child's parents
 17 or in the home of a relative of the child or another adult
 18 approved by the court, or in the custody of the department.
 19 Protective supervision continues until the court terminates it
 20 or until the child reaches the age of 18, whichever date is
 21 first. Protective supervision shall be terminated by the court
 22 whenever the court determines that permanency has been
 23 achieved for the child, whether with a parent, another
 24 relative, or a legal custodian, and that protective
 25 supervision is no longer needed. The termination of
 26 supervision may be with or without retaining jurisdiction, at
 27 the court's discretion, and shall in either case be considered
 28 a permanency option for the child. The order terminating
 29 supervision by the department shall set forth the powers of
 30 the custodian of the child and shall include the powers
 31 ordinarily granted to a guardian of the person of a minor

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1 unless otherwise specified. Upon the court's termination of
2 supervision by the department, no further judicial reviews are
3 required, so long as permanency has been established for the
4 child.

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

7 397.334 Treatment-based drug court programs.--

8 (1) Each county may fund a treatment-based drug court
9 program under which persons in the justice system assessed
10 with a substance abuse problem will be processed in such a
11 manner as to appropriately address the severity of the
12 identified substance abuse problem through treatment services
13 ~~plans~~ tailored to the individual needs of the participant. It
14 is the intent of the Legislature to encourage the Department
15 of Corrections, the Department of Children and Family
16 Services, the Department of Juvenile Justice, the Department
17 of Health, the Department of Law Enforcement, the Department
18 of Education, and such ~~other~~ agencies, local governments, law
19 enforcement agencies, ~~and~~ other interested public or private
20 sources, and individuals to support the creation and
21 establishment of these problem-solving court programs.

22 Participation in the treatment-based drug court programs does
23 not divest any public or private agency of its responsibility
24 for a child or adult, but enables ~~allows~~ these agencies to
25 better meet their needs through shared responsibility and
26 resources.

27 (2) Entry into any pretrial treatment-based drug court
28 program shall be voluntary. When neither s. 948.08(6)(a)1. nor
29 s. 948.08(6)(a)2. applies, the court may order an individual
30 to enter into a pretrial treatment-based drug court program
31 only upon written agreement by the individual, which shall

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1 include a statement that the individual understands the
2 requirements of the program and the potential sanctions for
3 noncompliance.

4 ~~(3)(2)~~ The treatment-based drug court programs shall
5 include therapeutic jurisprudence principles and adhere to the
6 following 10 key components, recognized by the Drug Courts
7 Program Office of the Office of Justice Programs of the United
8 States Department of Justice and adopted by the Florida
9 Supreme Court Treatment-Based Drug Court Steering Committee:

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

12 (b) Using a nonadversarial approach, prosecution and
13 defense counsel promote public safety while protecting
14 participants' due process rights.

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

17 (d) Drug court programs provide access to a continuum
18 of alcohol, drug, and other related treatment and
19 rehabilitation services.

20 (e) Abstinence is monitored by frequent testing for
21 alcohol and other drugs.

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

24 (g) Ongoing judicial interaction with each drug court
25 program participant is essential.

26 (h) Monitoring and evaluation measure the achievement
27 of program goals and gauge program effectiveness.

28 (i) Continuing interdisciplinary education promotes
29 effective drug court program planning, implementation, and
30 operations.

31 (j) Forging partnerships among drug court programs,

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1 public agencies, and community-based organizations generates
2 local support and enhances drug court program effectiveness.

3 (4)(3) Treatment-based drug court programs may include
4 pretrial intervention programs as provided in ss. 948.08,
5 948.16, and 985.306, treatment-based drug court programs
6 authorized in chapter 39, postadjudicatory programs, and
7 review of the status of compliance or noncompliance of
8 sentenced offenders through a treatment-based drug court
9 program. While enrolled in a treatment-based drug court
10 program, the participant is subject to a coordinated strategy
11 developed by a drug court team under subsection (3). The
12 coordinated strategy may include a protocol of sanctions that
13 may be imposed upon the participant for noncompliance with
14 program rules. The protocol of sanctions may include, but is
15 not limited to, placement in a substance abuse treatment
16 program offered by a licensed service provider as defined in
17 s. 397.311 or in a jail-based treatment program or serving a
18 period of secure detention under chapter 985 if a child or a
19 period of incarceration within the time limits established for
20 contempt of court if an adult. The coordinated strategy must
21 be provided in writing to the participant before the
22 participant agrees to enter into a treatment-based drug court
23 program.

24 (5) Contingent upon an annual appropriation by the
25 Legislature, each judicial circuit shall establish, at a
26 minimum, one coordinator position for the treatment-based drug
27 court program within the state courts system to coordinate the
28 responsibilities of the participating agencies and service
29 providers. Each coordinator shall provide direct support to
30 the treatment-based drug court program by providing
31 coordination between the multidisciplinary team and the

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1 judiciary, providing case management, monitoring compliance of
2 the participants in the treatment-based drug court program
3 with court requirements, and providing program evaluation and
4 accountability.

5 (6)(4)(a) The Florida Association of Drug Court
6 ~~Program~~ Professionals is created. The membership of the
7 association may consist of treatment-based drug court program
8 practitioners who comprise the multidisciplinary
9 treatment-based drug court program team, including, but not
10 limited to, judges, state attorneys, defense counsel,
11 treatment-based drug court program coordinators, probation
12 officers, law enforcement officers, community representatives,
13 members of the academic community, and treatment
14 professionals. Membership in the association shall be
15 voluntary.

16 (b) The association shall annually elect a chair whose
17 duty is to solicit recommendations from members on issues
18 relating to the expansion, operation, and institutionalization
19 of treatment-based drug court programs. The chair is
20 responsible for providing on or before October 1 of each year
21 the association's recommendations and an annual report to the
22 appropriate Supreme Court ~~Treatment-Based Drug Court Steering~~
23 committee or to the appropriate personnel of the Office of the
24 State Courts Administrator, ~~and shall submit a report each~~
25 ~~year, on or before October 1, to the steering committee.~~

26 (7)(5) If a county chooses to fund a treatment-based
27 drug court program, the county must secure funding from
28 sources other than the state for those costs not otherwise
29 assumed by the state pursuant to s. 29.004. However, this does
30 not preclude counties from using treatment and other service
31 dollars provided through state executive branch agencies.

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1 Counties may provide, by interlocal agreement, for the
2 collective funding of these programs.

3 (8) The chief judge of each judicial circuit may
4 appoint an advisory committee for the treatment-based drug
5 court program. The committee shall be composed of the chief
6 judge, or his or her designee, who shall serve as chair; the
7 judge of the treatment-based drug court program, if not
8 otherwise designated by the chief judge as his or her
9 designee; the state attorney, or his or her designee; the
10 public defender, or his or her designee; the treatment-based
11 drug court program coordinators; community representatives;
12 treatment representatives; and any other persons the chair
13 finds are appropriate.

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

16 910.035 Transfer from county for plea and sentence.--

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

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

27 (e) Upon successful completion of the drug court
28 program, the jurisdiction to which the case has been
29 transferred shall dispose of the case pursuant to s.
30 948.08(6). If the defendant does not complete the drug court
31 program successfully, the jurisdiction to which the case has

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1 been transferred shall dispose of the case within the
 2 guidelines of the Criminal Punishment Code ~~case shall be~~
 3 ~~prosecuted as determined by the state attorneys of the sending~~
 4 ~~and receiving counties.~~

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

7 948.08 Pretrial intervention program.--

8 (6)(a) Notwithstanding any provision of this section,
 9 a person who is charged with a felony of the second or third
 10 degree for purchase or possession of a controlled substance
 11 under chapter 893, prostitution, tampering with evidence,
 12 solicitation for purchase of a controlled substance, or
 13 obtaining a prescription by fraud; who has not been charged
 14 with a crime involving violence, including, but not limited
 15 to, murder, sexual battery, robbery, carjacking, home-invasion
 16 robbery, or any other crime involving violence; and who has
 17 not previously been convicted of a felony nor been admitted to
 18 a felony pretrial program referred to in this section is
 19 eligible for voluntary admission into a pretrial substance
 20 abuse education and treatment intervention program, including
 21 a treatment-based drug court program established pursuant to
 22 s. 397.334, approved by the chief judge of the circuit, for a
 23 period of not less than 1 year in duration, upon motion of
 24 either party or the court's own motion, except:

25 1. If a defendant was previously offered admission to
 26 a pretrial substance abuse education and treatment
 27 intervention program at any time prior to trial and the
 28 defendant rejected that offer on the record, then the court or
 29 the state attorney may deny the defendant's admission to such
 30 a program.

31 2. If the state attorney believes that the facts and

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1 | circumstances of the case suggest the defendant's involvement
2 | in the dealing and selling of controlled substances, the court
3 | shall hold a preadmission hearing. If the state attorney
4 | establishes, by a preponderance of the evidence at such
5 | hearing, that the defendant was involved in the dealing or
6 | selling of controlled substances, the court shall deny the
7 | defendant's admission into a pretrial intervention program.

8 | (b) While enrolled in a pretrial intervention program
9 | authorized by this subsection, the participant is subject to a
10 | coordinated strategy developed by a drug court team under s.
11 | 397.334(3). The coordinated strategy may include a protocol of
12 | sanctions that may be imposed upon the participant for
13 | noncompliance with program rules. The protocol of sanctions
14 | may include, but is not limited to, placement in a substance
15 | abuse treatment program offered by a licensed service provider
16 | as defined in s. 397.311 or in a jail-based treatment program
17 | or serving a period of incarceration within the time limits
18 | established for contempt of court. The coordinated strategy
19 | must be provided in writing to the participant before the
20 | participant agrees to enter into a pretrial treatment-based
21 | drug court program or other pretrial intervention program. Any
22 | person whose charges are dismissed after successful completion
23 | of the treatment-based drug court program, if otherwise
24 | eligible, may have his or her arrest record and plea of nolo
25 | contendere to the dismissed charges expunged under s.
26 | 943.0585.

27 | ~~(c)(b)~~ At the end of the pretrial intervention period,
28 | the court shall consider the recommendation of the
29 | administrator pursuant to subsection (5) and the
30 | recommendation of the state attorney as to disposition of the
31 | pending charges. The court shall determine, by written

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1 finding, whether the defendant has successfully completed the
2 pretrial intervention program.

3 ~~(c)1.~~ Notwithstanding the coordinated strategy
4 developed by a drug court team pursuant to s. 397.334(3), if
5 the court finds that the defendant has not successfully
6 completed the pretrial intervention program, the court may
7 order the person to continue in education and treatment, which
8 may include substance abuse treatment programs offered by
9 licensed service providers as defined in s. 397.311 or
10 jail-based treatment programs, or order that the charges
11 revert to normal channels for prosecution.

12 2. The court shall dismiss the charges upon a finding
13 that the defendant has successfully completed the pretrial
14 intervention program.

15 (d) Any entity, whether public or private, providing a
16 pretrial substance abuse education and treatment intervention
17 program under this subsection must contract with the county or
18 appropriate governmental entity, and the terms of the contract
19 must include, but need not be limited to, the requirements
20 established for private entities under s. 948.15(3).

21 ~~(7) The chief judge in each circuit may appoint an~~
22 ~~advisory committee for the pretrial intervention program~~
23 ~~composed of the chief judge or his or her designee, who shall~~
24 ~~serve as chair; the state attorney, the public defender, and~~
25 ~~the program administrator, or their designees; and such other~~
26 ~~persons as the chair deems appropriate. The advisory committee~~
27 ~~may not designate any defendant eligible for a pretrial~~
28 ~~intervention program for any offense that is not listed under~~
29 ~~paragraph (6)(a) without the state attorney's recommendation~~
30 ~~and approval. The committee may also include persons~~
31 ~~representing any other agencies to which persons released to~~

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1 ~~the pretrial intervention program may be referred.~~

2 (7)(8) The department may contract for the services
3 and facilities necessary to operate pretrial intervention
4 programs.

5 Section 9. Section 948.16, Florida Statutes, is
6 amended to read:

7 948.16 Misdemeanor pretrial substance abuse education
8 and treatment intervention program.--

9 (1)(a) A person who is charged with a misdemeanor for
10 possession of a controlled substance or drug paraphernalia
11 under chapter 893, and who has not previously been convicted
12 of a felony nor been admitted to a pretrial program, is
13 eligible for voluntary admission into a misdemeanor pretrial
14 substance abuse education and treatment intervention program,
15 including a treatment-based drug court program established
16 pursuant to s. 397.334, approved by the chief judge of the
17 circuit, for a period based on the program requirements and
18 the treatment plan for the offender, upon motion of either
19 party or the court's own motion, except, if the state attorney
20 believes the facts and circumstances of the case suggest the
21 defendant is involved in dealing and selling controlled
22 substances, the court shall hold a preadmission hearing. If
23 the state attorney establishes, by a preponderance of the
24 evidence at such hearing, that the defendant was involved in
25 dealing or selling controlled substances, the court shall deny
26 the defendant's admission into the pretrial intervention
27 program.

28 (b) While enrolled in a pretrial intervention program
29 authorized by this section, the participant is subject to a
30 coordinated strategy developed by a drug court team under s.
31 397.334(3). The coordinated strategy may include a protocol of

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1 sanctions that may be imposed upon the participant for
 2 noncompliance with program rules. The protocol of sanctions
 3 may include, but is not limited to, placement in a substance
 4 abuse treatment program offered by a licensed service provider
 5 as defined in s. 397.311 or in a jail-based treatment program
 6 or serving a period of incarceration within the time limits
 7 established for contempt of court. The coordinated strategy
 8 must be provided in writing to the participant before the
 9 participant agrees to enter into a pretrial treatment-based
 10 drug court program or other pretrial intervention program. Any
 11 person whose charges are dismissed after successful completion
 12 of the treatment-based drug court program, if otherwise
 13 eligible, may have his or her arrest record and plea of nolo
 14 contendere to the dismissed charges expunged under s.
 15 943.0585.

16 (2) At the end of the pretrial intervention period,
 17 the court shall consider the recommendation of the treatment
 18 program and the recommendation of the state attorney as to
 19 disposition of the pending charges. The court shall determine,
 20 by written finding, whether the defendant successfully
 21 completed the pretrial intervention program.

22 ~~(a)~~ Notwithstanding the coordinated strategy developed
 23 by a drug court team pursuant to s. 397.334(3), if the court
 24 finds that the defendant has not successfully completed the
 25 pretrial intervention program, the court may order the person
 26 to continue in education and treatment or return the charges
 27 to the criminal docket for prosecution.

28 ~~(b)~~ The court shall dismiss the charges upon finding
 29 that the defendant has successfully completed the pretrial
 30 intervention program.

31 (3) Any public or private entity providing a pretrial

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1 substance abuse education and treatment program under this
2 section shall contract with the county or appropriate
3 governmental entity. The terms of the contract shall include,
4 but not be limited to, the requirements established for
5 private entities under s. 948.15(3).

6 Section 10. Section 985.306, Florida Statutes, is
7 amended to read:

8 985.306 Delinquency pretrial intervention program.--

9 (1)~~(a)~~ Notwithstanding any provision of law to the
10 contrary, a child who is charged ~~under chapter 893~~ with a
11 felony of the second or third degree for purchase or
12 possession of a controlled substance under chapter 893;
13 tampering with evidence; solicitation for purchase of a
14 controlled substance; or obtaining a prescription by fraud,
15 and who has not previously been adjudicated for a felony ~~nor~~
16 ~~been admitted to a delinquency pretrial intervention program~~
17 ~~under this section~~, is eligible for voluntary admission into a
18 delinquency pretrial substance abuse education and treatment
19 intervention program, including a treatment-based drug court
20 program established pursuant to s. 397.334, approved by the
21 chief judge or alternative sanctions coordinator of the
22 circuit to the extent that funded programs are available, for
23 a period based on the program requirements and the treatment
24 services that are suitable for the offender ~~of not less than 1~~
25 ~~year in duration~~, upon motion of either party or the court's
26 own motion. However, if the state attorney believes that the
27 facts and circumstances of the case suggest the child's
28 involvement in the dealing and selling of controlled
29 substances, the court shall hold a preadmission hearing. If
30 the state attorney establishes by a preponderance of the
31 evidence at such hearing that the child was involved in the

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1 dealing and selling of controlled substances, the court shall
2 deny the child's admission into a delinquency pretrial
3 intervention program.

4 (2) While enrolled in a delinquency pretrial
5 intervention program authorized by this section, a child is
6 subject to a coordinated strategy developed by a drug court
7 team under s. 397.334(3). The coordinated strategy may include
8 a protocol of sanctions that may be imposed upon the child for
9 noncompliance with program rules. The protocol of sanctions
10 may include, but is not limited to, placement in a substance
11 abuse treatment program offered by a licensed service provider
12 as defined in s. 397.311 or serving a period of secure
13 detention under this chapter. The coordinated strategy must be
14 provided in writing to the child before the child agrees to
15 enter the pretrial treatment-based drug court program or other
16 pretrial intervention program. Any child whose charges are
17 dismissed after successful completion of the treatment-based
18 drug court program, if otherwise eligible, may have his or her
19 arrest record and plea of nolo contendere to the dismissed
20 charges expunged under s. 943.0585.

21 (3)(b) At the end of the delinquency pretrial
22 intervention period, the court shall consider the
23 recommendation of the state attorney and the program
24 administrator as to disposition of the pending charges. The
25 court shall determine, by written finding, whether the child
26 has successfully completed the delinquency pretrial
27 intervention program.

28 (c)1. Notwithstanding the coordinated strategy
29 developed by a drug court team pursuant to s. 397.334(3), if
30 the court finds that the child has not successfully completed
31 the delinquency pretrial intervention program, the court may

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1 order the child to continue in an education, treatment, or
2 urine monitoring program if resources and funding are
3 available or order that the charges revert to normal channels
4 for prosecution.

5 ~~2.~~ The court may dismiss the charges upon a finding
6 that the child has successfully completed the delinquency
7 pretrial intervention program.

8 ~~(4)(d)~~ Any entity, whether public or private,
9 providing pretrial substance abuse education, treatment
10 intervention, and a urine monitoring program under this
11 section must contract with the county or appropriate
12 governmental entity, and the terms of the contract must
13 include, but need not be limited to, the requirements
14 established for private entities under s. 948.15(3). It is the
15 intent of the Legislature that public or private entities
16 providing substance abuse education and treatment intervention
17 programs involve the active participation of parents, schools,
18 churches, businesses, law enforcement agencies, and the
19 department or its contract providers.

20 ~~(2) The chief judge in each circuit may appoint an~~
21 ~~advisory committee for the delinquency pretrial intervention~~
22 ~~program composed of the chief judge or designee, who shall~~
23 ~~serve as chair; the state attorney, the public defender, and~~
24 ~~the program administrator, or their designees; and such other~~
25 ~~persons as the chair deems appropriate. The committee may also~~
26 ~~include persons representing any other agencies to which~~
27 ~~children released to the delinquency pretrial intervention~~
28 ~~program may be referred.~~

29 Section 11. This act shall take effect upon becoming a
30 law.

31

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to drug court programs;

8 providing a short title; amending s. 39.001,

9 F.S.; providing additional legislative purposes

10 and intent with respect to the treatment of

11 substance abuse, including the use of the drug

12 court program model; authorizing the court to

13 require certain persons to undergo treatment

14 following adjudication; amending s. 39.407,

15 F.S.; authorizing the court to order specified

16 persons to submit to a substance abuse

17 assessment or evaluation upon a showing of good

18 cause in connection with a shelter petition or

19 petition for dependency; amending ss. 39.507

20 and 39.521, F.S.; authorizing the court to

21 order specified persons to submit to a

22 substance abuse assessment as part of an

23 adjudicatory order or pursuant to a disposition

24 hearing; requiring a showing of good cause;

25 authorizing the court to require participation

26 in a treatment-based drug court program;

27 authorizing the court to impose sanctions for

28 noncompliance; amending s. 397.334, F.S.;

29 revising legislative intent with respect to

30 treatment-based drug court programs to reflect

31 participation by community support agencies,

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1 the Department of Education, and other
2 individuals; including postadjudicatory
3 programs as part of treatment-based drug court
4 programs; providing requirements and sanctions,
5 including treatment by specified licensed
6 service providers, jail-based treatment, secure
7 detention, or incarceration, for the
8 coordinated strategy developed by the drug
9 court team to encourage participant compliance;
10 requiring each judicial circuit to establish a
11 position for a coordinator of the
12 treatment-based drug court program, subject to
13 annual appropriation by the Legislature;
14 authorizing the chief judge of each judicial
15 circuit to appoint an advisory committee for
16 the treatment-based drug court program;
17 providing for membership of the committee;
18 revising language with respect to an annual
19 report; amending s. 910.035, F.S.; revising
20 language with respect to conditions for the
21 transfer of a case in the drug court treatment
22 program to a county other than that in which
23 the charge arose; amending ss. 948.08, 948.16,
24 and 985.306, F.S., relating to felony,
25 misdemeanor, and delinquency pretrial substance
26 abuse education and treatment intervention
27 programs; providing for application of the
28 coordinated strategy developed by the drug
29 court team; providing for expungement of
30 certain records and pleas; removing provisions
31 authorizing appointment of an advisory

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1 committee, to conform to changes made by the
2 act; providing an effective date.
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