

By the Committees on Justice Appropriations; Criminal Justice; Judiciary; Children and Families; and Senators Lynn, Campbell, Miller and Smith

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

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

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. This act may be cited as the "Robert J.
2 Koch Drug Court Intervention Act."

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

5 39.001 Purposes and intent; personnel standards and
6 screening.--

7 (4) SUBSTANCE ABUSE SERVICES.--

8 (a) The Legislature recognizes that early referral and
9 comprehensive treatment can help combat substance abuse in
10 families and that treatment is cost effective.

11 (b) The Legislature establishes the following goals
12 for the state related to substance abuse treatment services in
13 the dependency process:

14 1. To ensure the safety of children.

15 2. To prevent and remediate the consequences of
16 substance abuse on families involved in protective supervision
17 or foster care and reduce substance abuse, including alcohol
18 abuse, for families who are at risk of being involved in
19 protective supervision or foster care.

20 3. To expedite permanency for children and reunify
21 healthy, intact families, when appropriate.

22 4. To support families in recovery.

23 (c) The Legislature finds that children in the care of
24 the state's dependency system need appropriate health care
25 services, that the impact of substance abuse on health
26 indicates the need for health care services to include
27 substance abuse services to children and parents where
28 appropriate, and that it is in the state's best interest that
29 such children be provided the services they need to enable
30 them to become and remain independent of state care. In order
31 to provide these services, the state's dependency system must

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1 have the ability to identify and provide appropriate
2 intervention and treatment for children with personal or
3 family-related substance abuse problems.

4 (d) It is the intent of the Legislature to encourage
5 the use of the drug court program model established by s.
6 397.334 and authorize courts to assess children and persons
7 who have custody or are requesting custody of children where
8 good cause is shown to identify and address substance abuse
9 problems as the court deems appropriate at every stage of the
10 dependency process. Participation in treatment, including a
11 treatment-based drug court program, may be required by the
12 court following adjudication. Participation in assessment and
13 treatment prior to adjudication shall be voluntary, except as
14 provided in s. 39.407(16).

15 (e) It is therefore the purpose of the Legislature to
16 provide authority for the state to contract with community
17 substance abuse treatment providers for the development and
18 operation of specialized support and overlay services for the
19 dependency system, which will be fully implemented and used
20 ~~utilized~~ as resources permit.

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

26 Section 3. Subsection (15) of section 39.407, Florida
27 Statutes, is amended, and subsection (16) is added to that
28 section, to read:

29 39.407 Medical, psychiatric, and psychological
30 examination and treatment of child; physical, ~~or~~ mental, or
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1 substance abuse examination of ~~parent or~~ person with or
2 requesting child custody ~~of child~~.--

3 (15) At any time after the filing of a shelter
4 petition or petition for dependency, when the mental or
5 physical condition, including the blood group, of a parent,
6 caregiver, legal custodian, or other person who has custody or
7 is requesting custody of a child is in controversy, the court
8 may order the person to submit to a physical or mental
9 examination by a qualified professional. The order may be made
10 only upon good cause shown and pursuant to notice and
11 procedures as set forth by the Florida Rules of Juvenile
12 Procedure.

13 (16) At any time after a shelter petition or petition
14 for dependency is filed, the court may order a person who has
15 custody or is requesting custody of the child to submit to a
16 substance abuse assessment or evaluation. The assessment or
17 evaluation must be administered by a qualified professional,
18 as defined in s. 397.311. The order may be made only upon good
19 cause shown. This subsection does not authorize placement of a
20 child with a person seeking custody, other than the parent or
21 legal custodian, who requires substance abuse treatment.

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

24 39.507 Adjudicatory hearings; orders of
25 adjudication.--

26 (9) After an adjudication of dependency, or a finding
27 of dependency where adjudication is withheld, the court may
28 order a person who has custody or is requesting custody of the
29 child to submit to a substance abuse assessment or evaluation.
30 The assessment or evaluation must be administered by a
31 qualified professional, as defined in s. 397.311. The court

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1 may also require such person to participate in and comply with
2 treatment and services identified as necessary, including,
3 when appropriate and available, participation in and
4 compliance with a treatment-based drug court program
5 established under s. 397.334. In addition to supervision by
6 the department, the court, including the treatment-based drug
7 court program, may oversee the progress and compliance with
8 treatment by a person who has custody or is requesting custody
9 of the child. The court may impose appropriate available
10 sanctions for noncompliance upon a person who has custody or
11 is requesting custody of the child or make a finding of
12 noncompliance for consideration in determining whether an
13 alternative placement of the child is in the child's best
14 interests. Any order entered under this subsection may be made
15 only upon good cause shown. This subsection does not authorize
16 placement of a child with a person seeking custody, other than
17 the parent or legal custodian, who requires substance abuse
18 treatment.

19 Section 5. Paragraph (b) of subsection (1) of section
20 39.521, Florida Statutes, is amended to read:

21 39.521 Disposition hearings; powers of disposition.--

22 (1) A disposition hearing shall be conducted by the
23 court, if the court finds that the facts alleged in the
24 petition for dependency were proven in the adjudicatory
25 hearing, or if the parents or legal custodians have consented
26 to the finding of dependency or admitted the allegations in
27 the petition, have failed to appear for the arraignment
28 hearing after proper notice, or have not been located despite
29 a diligent search having been conducted.

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1 (b) When any child is adjudicated by a court to be
2 dependent, the court having jurisdiction of the child has the
3 power by order to:

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

29 2. Require, if the court deems necessary, the parties
30 to participate in dependency mediation.
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1 3. Require placement of the child either under the
2 protective supervision of an authorized agent of the
3 department in the home of one or both of the child's parents
4 or in the home of a relative of the child or another adult
5 approved by the court, or in the custody of the department.
6 Protective supervision continues until the court terminates it
7 or until the child reaches the age of 18, whichever date is
8 first. Protective supervision shall be terminated by the court
9 whenever the court determines that permanency has been
10 achieved for the child, whether with a parent, another
11 relative, or a legal custodian, and that protective
12 supervision is no longer needed. The termination of
13 supervision may be with or without retaining jurisdiction, at
14 the court's discretion, and shall in either case be considered
15 a permanency option for the child. The order terminating
16 supervision by the department shall set forth the powers of
17 the custodian of the child and shall include the powers
18 ordinarily granted to a guardian of the person of a minor
19 unless otherwise specified. Upon the court's termination of
20 supervision by the department, no further judicial reviews are
21 required, so long as permanency has been established for the
22 child.

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

25 397.334 Treatment-based drug court programs.--

26 (1) Each county may fund a treatment-based drug court
27 program under which persons in the justice system assessed
28 with a substance abuse problem will be processed in such a
29 manner as to appropriately address the severity of the
30 identified substance abuse problem through treatment services
31 ~~plans~~ tailored to the individual needs of the participant. It

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1 is the intent of the Legislature to encourage the Department
2 of Corrections, the Department of Children and Family
3 Services, the Department of Juvenile Justice, the Department
4 of Health, the Department of Law Enforcement, the Department
5 of Education, and such ~~other~~ agencies, local governments, law
6 enforcement agencies, ~~and~~ other interested public or private
7 sources, and individuals to support the creation and
8 establishment of these problem-solving court programs.
9 Participation in the treatment-based drug court programs does
10 not divest any public or private agency of its responsibility
11 for a child or adult, but enables ~~allows~~ these agencies to
12 better meet their needs through shared responsibility and
13 resources.

14 (2) Entry into any pretrial treatment-based drug court
15 program shall be voluntary. When neither s. 948.08(6)(a)1. nor
16 s. 948.08(6)(a)2. applies, the court may order an individual
17 to enter into a pretrial treatment-based drug court program
18 only upon written agreement by the individual, which shall
19 include a statement that the individual understands the
20 requirements of the program and the potential sanctions for
21 noncompliance.

22 (3)(2) The treatment-based drug court programs shall
23 include therapeutic jurisprudence principles and adhere to the
24 following 10 key components, recognized by the Drug Courts
25 Program Office of the Office of Justice Programs of the United
26 States Department of Justice and adopted by the Florida
27 Supreme Court Treatment-Based Drug Court Steering Committee:

28 (a) Drug court programs integrate alcohol and other
29 drug treatment services with justice system case processing.
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1 (b) Using a nonadversarial approach, prosecution and
2 defense counsel promote public safety while protecting
3 participants' due process rights.

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

6 (d) Drug court programs provide access to a continuum
7 of alcohol, drug, and other related treatment and
8 rehabilitation services.

9 (e) Abstinence is monitored by frequent testing for
10 alcohol and other drugs.

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

13 (g) Ongoing judicial interaction with each drug court
14 program participant is essential.

15 (h) Monitoring and evaluation measure the achievement
16 of program goals and gauge program effectiveness.

17 (i) Continuing interdisciplinary education promotes
18 effective drug court program planning, implementation, and
19 operations.

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

23 ~~(4)(3)~~ Treatment-based drug court programs may include
24 pretrial intervention programs as provided in ss. 948.08,
25 948.16, and 985.306, treatment-based drug court programs
26 authorized in chapter 39, postadjudicatory programs, and
27 review of the status of compliance or noncompliance of
28 sentenced offenders through a treatment-based drug court
29 program. While enrolled in a treatment-based drug court
30 program, the participant is subject to a coordinated strategy
31 developed by a drug court team under subsection (3). The

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1 coordinated strategy may include a protocol of sanctions that
 2 may be imposed upon the participant for noncompliance with
 3 program rules. The protocol of sanctions may include, but is
 4 not limited to, placement in a substance abuse treatment
 5 program offered by a licensed service provider as defined in
 6 s. 397.311 or in a jail-based treatment program or serving a
 7 period of secure detention under chapter 985 if a child or a
 8 period of incarceration within the time limits established for
 9 contempt of court if an adult. The coordinated strategy must
 10 be provided in writing to the participant before the
 11 participant agrees to enter into a treatment-based drug court
 12 program.

13 (5) Contingent upon an annual appropriation by the
 14 Legislature, each judicial circuit shall establish, at a
 15 minimum, one coordinator position for the treatment-based drug
 16 court program within the state courts system to coordinate the
 17 responsibilities of the participating agencies and service
 18 providers. Each coordinator shall provide direct support to
 19 the treatment-based drug court program by providing
 20 coordination between the multidisciplinary team and the
 21 judiciary, providing case management, monitoring compliance of
 22 the participants in the treatment-based drug court program
 23 with court requirements, and providing program evaluation and
 24 accountability.

25 (6)(4)(a) The Florida Association of Drug Court
 26 Program Professionals is created. The membership of the
 27 association may consist of treatment-based drug court program
 28 practitioners who comprise the multidisciplinary
 29 treatment-based drug court program team, including, but not
 30 limited to, judges, state attorneys, defense counsel,
 31 treatment-based drug court program coordinators, probation

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1 officers, law enforcement officers, community representatives,
2 members of the academic community, and treatment
3 professionals. Membership in the association shall be
4 voluntary.

5 (b) The association shall annually elect a chair whose
6 duty is to solicit recommendations from members on issues
7 relating to the expansion, operation, and institutionalization
8 of treatment-based drug court programs. The chair is
9 responsible for providing on or before October 1 of each year
10 the association's recommendations and an annual report to the
11 appropriate Supreme Court ~~Treatment Based Drug Court Steering~~
12 committee or to the appropriate personnel of the Office of the
13 State Courts Administrator, and ~~shall submit a report each~~
14 ~~year, on or before October 1, to the steering committee.~~

15 ~~(7)(5)~~ If a county chooses to fund a treatment-based
16 drug court program, the county must secure funding from
17 sources other than the state for those costs not otherwise
18 assumed by the state pursuant to s. 29.004. However, this does
19 not preclude counties from using treatment and other service
20 dollars provided through state executive branch agencies.
21 Counties may provide, by interlocal agreement, for the
22 collective funding of these programs.

23 (8) The chief judge of each judicial circuit may
24 appoint an advisory committee for the treatment-based drug
25 court program. The committee shall be composed of the chief
26 judge, or his or her designee, who shall serve as chair; the
27 judge of the treatment-based drug court program, if not
28 otherwise designated by the chief judge as his or her
29 designee; the state attorney, or his or her designee; the
30 public defender, or his or her designee; the treatment-based
31 drug court program coordinators; community representatives;

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1 treatment representatives; and any other persons the chair
2 finds are appropriate.

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

5 910.035 Transfer from county for plea and sentence.--

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

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

16 (e) Upon successful completion of the drug court
17 program, the jurisdiction to which the case has been
18 transferred shall dispose of the case pursuant to s.
19 948.08(6). If the defendant does not complete the drug court
20 program successfully, the jurisdiction to which the case has
21 been transferred shall dispose of the case within the
22 guidelines of the Criminal Punishment Code ~~case shall be~~
23 ~~prosecuted as determined by the state attorneys of the sending~~
24 ~~and receiving counties.~~

25 Section 8. Subsections (6), (7), and (8) of section
26 948.08, Florida Statutes, are amended to read:

27 948.08 Pretrial intervention program.--

28 (6)(a) Notwithstanding any provision of this section,
29 a person who is charged with a felony of the second or third
30 degree for purchase or possession of a controlled substance
31 under chapter 893, prostitution, tampering with evidence,

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1 solicitation for purchase of a controlled substance, or
2 obtaining a prescription by fraud; who has not been charged
3 with a crime involving violence, including, but not limited
4 to, murder, sexual battery, robbery, carjacking, home-invasion
5 robbery, or any other crime involving violence; and who has
6 not previously been convicted of a felony nor been admitted to
7 a felony pretrial program referred to in this section is
8 eligible for voluntary admission into a pretrial substance
9 abuse education and treatment intervention program, including
10 a treatment-based drug court program established pursuant to
11 s. 397.334, approved by the chief judge of the circuit, for a
12 period of not less than 1 year in duration, upon motion of
13 either party or the court's own motion, except:

14 1. If a defendant was previously offered admission to
15 a pretrial substance abuse education and treatment
16 intervention program at any time prior to trial and the
17 defendant rejected that offer on the record, then the court or
18 the state attorney may deny the defendant's admission to such
19 a program.

20 2. If the state attorney believes that the facts and
21 circumstances of the case suggest the defendant's involvement
22 in the dealing and selling of controlled substances, the court
23 shall hold a preadmission hearing. If the state attorney
24 establishes, by a preponderance of the evidence at such
25 hearing, that the defendant was involved in the dealing or
26 selling of controlled substances, the court shall deny the
27 defendant's admission into a pretrial intervention program.

28 (b) While enrolled in a pretrial intervention program
29 authorized by this subsection, 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 ~~(c)(b)~~ At the end of the pretrial intervention period,
17 the court shall consider the recommendation of the
18 administrator pursuant to subsection (5) and the
19 recommendation of the state attorney as to disposition of the
20 pending charges. The court shall determine, by written
21 finding, whether the defendant has successfully completed the
22 pretrial intervention program.

23 ~~(c)1.~~ Notwithstanding the coordinated strategy
24 developed by a drug court team pursuant to s. 397.334(3), if
25 the court finds that the defendant has not successfully
26 completed the pretrial intervention program, the court may
27 order the person to continue in education and treatment, which
28 may include substance abuse treatment programs offered by
29 licensed service providers as defined in s. 397.311 or
30 jail-based treatment programs, or order that the charges
31 revert to normal channels for prosecution.

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1 ~~2-~~ The court shall dismiss the charges upon a finding
2 that the defendant has successfully completed the pretrial
3 intervention program.

4 (d) Any entity, whether public or private, providing a
5 pretrial substance abuse education and treatment intervention
6 program under this subsection must contract with the county or
7 appropriate governmental entity, and the terms of the contract
8 must include, but need not be limited to, the requirements
9 established for private entities under s. 948.15(3).

10 ~~(7) The chief judge in each circuit may appoint an~~
11 ~~advisory committee for the pretrial intervention program~~
12 ~~composed of the chief judge or his or her designee, who shall~~
13 ~~serve as chair; the state attorney, the public defender, and~~
14 ~~the program administrator, or their designees; and such other~~
15 ~~persons as the chair deems appropriate. The advisory committee~~
16 ~~may not designate any defendant eligible for a pretrial~~
17 ~~intervention program for any offense that is not listed under~~
18 ~~paragraph (6)(a) without the state attorney's recommendation~~
19 ~~and approval. The committee may also include persons~~
20 ~~representing any other agencies to which persons released to~~
21 ~~the pretrial intervention program may be referred.~~

22 ~~(7)(8)~~ The department may contract for the services
23 and facilities necessary to operate pretrial intervention
24 programs.

25 Section 9. Section 948.16, Florida Statutes, is
26 amended to read:

27 948.16 Misdemeanor pretrial substance abuse education
28 and treatment intervention program.--

29 (1)(a) A person who is charged with a misdemeanor for
30 possession of a controlled substance or drug paraphernalia
31 under chapter 893, and who has not previously been convicted

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1 of a felony nor been admitted to a pretrial program, is
 2 eligible for voluntary admission into a misdemeanor pretrial
 3 substance abuse education and treatment intervention program,
 4 including a treatment-based drug court program established
 5 pursuant to s. 397.334, approved by the chief judge of the
 6 circuit, for a period based on the program requirements and
 7 the treatment plan for the offender, upon motion of either
 8 party or the court's own motion, except, if the state attorney
 9 believes the facts and circumstances of the case suggest the
 10 defendant is involved in dealing and selling controlled
 11 substances, the court shall hold a preadmission hearing. If
 12 the state attorney establishes, by a preponderance of the
 13 evidence at such hearing, that the defendant was involved in
 14 dealing or selling controlled substances, the court shall deny
 15 the defendant's admission into the pretrial intervention
 16 program.

17 (b) While enrolled in a pretrial intervention program
 18 authorized by this section, the participant is subject to a
 19 coordinated strategy developed by a drug court team under s.
 20 397.334(3). The coordinated strategy may include a protocol of
 21 sanctions that may be imposed upon the participant for
 22 noncompliance with program rules. The protocol of sanctions
 23 may include, but is not limited to, placement in a substance
 24 abuse treatment program offered by a licensed service provider
 25 as defined in s. 397.311 or in a jail-based treatment program
 26 or serving a period of incarceration within the time limits
 27 established for contempt of court. The coordinated strategy
 28 must be provided in writing to the participant before the
 29 participant agrees to enter into a pretrial treatment-based
 30 drug court program or other pretrial intervention program. Any
 31 person whose charges are dismissed after successful completion

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1 of the treatment-based drug court program, if otherwise
2 eligible, may have his or her arrest record and plea of nolo
3 contendere to the dismissed charges expunged under s.
4 943.0585.

5 (2) At the end of the pretrial intervention period,
6 the court shall consider the recommendation of the treatment
7 program and the recommendation of the state attorney as to
8 disposition of the pending charges. The court shall determine,
9 by written finding, whether the defendant successfully
10 completed the pretrial intervention program.

11 ~~(a)~~ Notwithstanding the coordinated strategy developed
12 by a drug court team pursuant to s. 397.334(3), if the court
13 finds that the defendant has not successfully completed the
14 pretrial intervention program, the court may order the person
15 to continue in education and treatment or return the charges
16 to the criminal docket for prosecution.

17 ~~(b)~~ The court shall dismiss the charges upon finding
18 that the defendant has successfully completed the pretrial
19 intervention program.

20 (3) Any public or private entity providing a pretrial
21 substance abuse education and treatment program under this
22 section shall contract with the county or appropriate
23 governmental entity. The terms of the contract shall include,
24 but not be limited to, the requirements established for
25 private entities under s. 948.15(3).

26 Section 10. Section 985.306, Florida Statutes, is
27 amended to read:

28 985.306 Delinquency pretrial intervention program.--

29 (1)~~(a)~~ Notwithstanding any provision of law to the
30 contrary, a child who is charged ~~under chapter 893~~ with a
31 felony of the second or third degree for purchase or

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

24 (2) While enrolled in a delinquency pretrial
 25 intervention program authorized by this section, a child is
 26 subject to a coordinated strategy developed by a drug court
 27 team under s. 397.334(3). The coordinated strategy may include
 28 a protocol of sanctions that may be imposed upon the child for
 29 noncompliance with program rules. The protocol of sanctions
 30 may include, but is not limited to, placement in a substance
 31 abuse treatment program offered by a licensed service provider

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1 as defined in s. 397.311 or serving a period of secure
2 detention under this chapter. The coordinated strategy must be
3 provided in writing to the child before the child agrees to
4 enter the pretrial treatment-based drug court program or other
5 pretrial intervention program. Any child whose charges are
6 dismissed after successful completion of the treatment-based
7 drug court program, if otherwise eligible, may have his or her
8 arrest record and plea of nolo contendere to the dismissed
9 charges expunged under s. 943.0585.

10 ~~(3)(b)~~ At the end of the delinquency pretrial
11 intervention period, the court shall consider the
12 recommendation of the state attorney and the program
13 administrator as to disposition of the pending charges. The
14 court shall determine, by written finding, whether the child
15 has successfully completed the delinquency pretrial
16 intervention program.

17 ~~(c)1.~~ Notwithstanding the coordinated strategy
18 developed by a drug court team pursuant to s. 397.334(3), if
19 the court finds that the child has not successfully completed
20 the delinquency pretrial intervention program, the court may
21 order the child to continue in an education, treatment, or
22 urine monitoring program if resources and funding are
23 available or order that the charges revert to normal channels
24 for prosecution.

25 ~~2.~~ The court may dismiss the charges upon a finding
26 that the child has successfully completed the delinquency
27 pretrial intervention program.

28 ~~(4)(d)~~ Any entity, whether public or private,
29 providing pretrial substance abuse education, treatment
30 intervention, and a urine monitoring program under this
31 section must contract with the county or appropriate

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1 governmental entity, and the terms of the contract must
2 include, but need not be limited to, the requirements
3 established for private entities under s. 948.15(3). It is the
4 intent of the Legislature that public or private entities
5 providing substance abuse education and treatment intervention
6 programs involve the active participation of parents, schools,
7 churches, businesses, law enforcement agencies, and the
8 department or its contract providers.

9 ~~(2) The chief judge in each circuit may appoint an~~
10 ~~advisory committee for the delinquency pretrial intervention~~
11 ~~program composed of the chief judge or designee, who shall~~
12 ~~serve as chair; the state attorney, the public defender, and~~
13 ~~the program administrator, or their designees; and such other~~
14 ~~persons as the chair deems appropriate. The committee may also~~
15 ~~include persons representing any other agencies to which~~
16 ~~children released to the delinquency pretrial intervention~~
17 ~~program may be referred.~~

18 Section 11. This act shall take effect upon becoming a
19 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for CS for CS for SB 114 & SB 444

Deletes language that authorizes the court to order the child who is the subject of a dependency petition and process to be assessed, evaluated, or to participate in treatment-based drug court program.

Provides that unless an individual was previously offered admission to pretrial substance abuse education and treatment and rejected the offer on the record or the individual's involvement in dealing or selling controlled substances has been established by clear and convincing evidence, entry into any pretrial drug court program is voluntary.

Provides that the court may order an individual to enter into a pretrial treatment-based drug court only upon written agreement by the individual, with a statement that the individual understands the requirements of the program and the potential sanctions for noncompliance.