

CHAMBER ACTION

1 The Judiciary Appropriations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to drug court programs; providing a short
7 title; amending s. 39.001, F.S.; providing additional
8 legislative purposes and intent with respect to the
9 treatment of substance abuse, including the use of the
10 drug court program model; authorizing the court to require
11 certain persons to undergo treatment following
12 adjudication; amending s. 39.407, F.S.; authorizing the
13 court to order specified persons to submit to a substance
14 abuse assessment or evaluation upon a showing of good
15 cause in connection with a shelter petition or petition
16 for dependency; amending ss. 39.507 and 39.521, F.S.;
17 authorizing the court to order specified persons to submit
18 to a substance abuse assessment as part of an adjudicatory
19 order or pursuant to a disposition hearing; requiring a
20 showing of good cause; authorizing the court to require
21 participation in a treatment-based drug court program;
22 authorizing the court to impose sanctions for
23 noncompliance; amending s. 397.334, F.S.; revising

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

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

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

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

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

(4) SUBSTANCE ABUSE SERVICES.--

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

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

1. To ensure the safety of children.

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

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

4. To support families in recovery.

(c) The Legislature finds that children in the care of the state's dependency system need appropriate health care services, that the impact of substance abuse on health indicates the need

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

88 (d) It is the intent of the Legislature to encourage the
89 use of the drug court program model established by s. 397.334
90 and authorize courts to assess children and persons who have
91 custody or are requesting custody of children where good cause
92 is shown to identify and address substance abuse problems as the
93 court deems appropriate at every stage of the dependency
94 process. Participation in treatment, including a treatment-based
95 drug court program, may be required by the court following
96 adjudication. Participation in assessment and treatment prior to
97 adjudication shall be voluntary, except as provided in s.
98 39.407(16).

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

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

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

110 Section 3. Subsection (15) of section 39.407, Florida
 111 Statutes, is amended, and subsection (16) is added to that
 112 section, to read:

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

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

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

135 Section 4. Subsection (9) is added to section 39.507,
136 Florida Statutes, to read:
137 39.507 Adjudicatory hearings; orders of adjudication.--
138 (9) After an adjudication of dependency, or a finding of
139 dependency where adjudication is withheld, the court may order a
140 child or a person who has custody or is requesting custody of
141 the child to submit to a substance abuse assessment or
142 evaluation. The assessment or evaluation must be administered by
143 a qualified professional, as defined in s. 397.311. The court
144 may also require such person to participate in and comply with
145 treatment and services identified as necessary, including, when
146 appropriate and available, participation in and compliance with
147 a treatment-based drug court program established under s.
148 397.334. In addition to supervision by the department, the
149 court, including the treatment-based drug court program, may
150 oversee the progress and compliance with treatment by the child
151 or a person who has custody or is requesting custody of the
152 child. The court may impose appropriate available sanctions for
153 noncompliance upon the child or a person who has custody or is
154 requesting custody of the child or make a finding of
155 noncompliance for consideration in determining whether an
156 alternative placement of the child is in the child's best
157 interests. Any order entered under this subsection may be made
158 only upon good cause shown. This subsection does not authorize
159 placement of a child with a person seeking custody, other than
160 the parent or legal custodian, who requires substance abuse
161 treatment.

162 Section 5. Paragraph (b) of subsection (1) of section
163 39.521, Florida Statutes, is amended to read:

164 39.521 Disposition hearings; powers of disposition.--

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

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

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

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

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

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

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

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

226 397.334 Treatment-based drug court programs.--

227 (1) Each county may fund a treatment-based drug court
228 program under which persons in the justice system assessed with
229 a substance abuse problem will be processed in such a manner as
230 to appropriately address the severity of the identified
231 substance abuse problem through treatment services ~~plans~~
232 tailored to the individual needs of the participant. It is the
233 intent of the Legislature to encourage the Department of
234 Corrections, the Department of Children and Family Services, the
235 Department of Juvenile Justice, the Department of Health, the
236 Department of Law Enforcement, the Department of Education, and
237 such ~~other~~ agencies, local governments, law enforcement
238 agencies, ~~and~~ other interested public or private sources, and
239 individuals to support the creation and establishment of these
240 problem-solving court programs. Participation in the treatment-
241 based drug court programs does not divest any public or private
242 agency of its responsibility for a child or adult, but enables
243 ~~allows~~ these agencies to better meet their needs through shared
244 responsibility and resources.

245 (2) Entry into any pretrial treatment-based drug court
246 program shall be voluntary. The court may only order an
247 individual to enter into a pretrial treatment-based drug court
248 program upon written agreement by the individual, which shall
249 include a statement that the individual understands the
250 requirements of the program and the potential sanctions for
251 noncompliance.

252 (3)~~(2)~~ The treatment-based drug court programs shall
253 include therapeutic jurisprudence principles and adhere to the
254 following 10 key components, recognized by the Drug Courts
255 Program Office of the Office of Justice Programs of the United
256 States Department of Justice and adopted by the Florida Supreme
257 Court Treatment-Based Drug Court Steering Committee:

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

260 (b) Using a nonadversarial approach, prosecution and
261 defense counsel promote public safety while protecting
262 participants' due process rights.

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

265 (d) Drug court programs provide access to a continuum of
266 alcohol, drug, and other related treatment and rehabilitation
267 services.

268 (e) Abstinence is monitored by frequent testing for
269 alcohol and other drugs.

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

272 (g) Ongoing judicial interaction with each drug court
273 program participant is essential.

274 (h) Monitoring and evaluation measure the achievement of
275 program goals and gauge program effectiveness.

276 (i) Continuing interdisciplinary education promotes
277 effective drug court program planning, implementation, and
278 operations.

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

282 ~~(4)(3)~~ Treatment-based drug court programs may include
283 pretrial intervention programs as provided in ss. 948.08,
284 948.16, and 985.306, treatment-based drug court programs
285 authorized in chapter 39, postadjudicatory programs, and the
286 monitoring of sentenced offenders through a treatment-based drug
287 court program. While enrolled in any treatment-based drug court
288 program, the participant is subject to a coordinated strategy
289 developed by the drug court team under paragraph (3)(f). Each
290 coordinated strategy may include a protocol of sanctions that
291 may be imposed upon the participant for noncompliance with
292 program rules. The protocol of sanctions for treatment-based
293 programs may include, but is not limited to, placement in a
294 substance abuse treatment program offered by a licensed service
295 provider as defined in s. 397.311 or in a jail-based treatment
296 program or serving a period of secure detention under chapter
297 985 if a child or a period of incarceration within the time
298 limits established for contempt of court if an adult. The
299 coordinated strategy must be provided in writing to the

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300 participant before the participant agrees to enter into a
301 pretrial treatment-based drug court program. Any person whose
302 charges are dismissed after successful completion of the
303 treatment-based drug court program, if otherwise eligible, may
304 have his or her arrest record and plea of nolo contendere to the
305 dismissed charges expunged under s. 943.0585.

306 (5) Contingent upon an annual appropriation by the
307 Legislature, each judicial circuit shall establish, at a
308 minimum, one coordinator position for the treatment-based drug
309 court program within the state courts system to coordinate the
310 responsibilities of the participating agencies and service
311 providers. Each coordinator shall provide direct support to the
312 treatment-based drug court program by providing coordination
313 between the multidisciplinary team and the judiciary, providing
314 case management, monitoring compliance of the participants in
315 the treatment-based drug court program with court requirements,
316 and providing program evaluation and accountability.

317 (6)~~(4)~~ (a) The Florida Association of Drug Court ~~Program~~
318 Professionals is created. The membership of the association may
319 consist of treatment-based drug court program practitioners who
320 comprise the multidisciplinary treatment-based drug court
321 program team, including, but not limited to, judges, state
322 attorneys, defense counsel, treatment-based drug court program
323 coordinators, probation officers, law enforcement officers,
324 community representatives, members of the academic community,
325 and treatment professionals. Membership in the association shall
326 be voluntary.

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327 (b) The association shall annually elect a chair whose
328 duty is to solicit recommendations from members on issues
329 relating to the expansion, operation, and institutionalization
330 of treatment-based drug court programs. The chair is responsible
331 for providing on or before October 1 of each year the
332 association's recommendations and an annual report to the
333 appropriate Supreme Court ~~Treatment-Based Drug Court Steering~~
334 committee or to the appropriate personnel of the Office of the
335 State Courts Administrator, ~~and shall submit a report each year,~~
336 ~~on or before October 1, to the steering committee.~~

337 (7)~~(5)~~ If a county chooses to fund a treatment-based drug
338 court program, the county must secure funding from sources other
339 than the state for those costs not otherwise assumed by the
340 state pursuant to s. 29.004. However, this does not preclude
341 counties from using treatment and other service dollars provided
342 through state executive branch agencies. Counties may provide,
343 by interlocal agreement, for the collective funding of these
344 programs.

345 (8) The chief judge of each judicial circuit may appoint
346 an advisory committee for the treatment-based drug court
347 program. The committee shall be composed of the chief judge, or
348 his or her designee, who shall serve as chair; the judge of the
349 treatment-based drug court program, if not otherwise designated
350 by the chief judge as his or her designee; the state attorney,
351 or his or her designee; the public defender, or his or her
352 designee; the treatment-based drug court program coordinators;
353 community representatives; treatment representatives; and any
354 other persons the chair finds are appropriate.

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

357 910.035 Transfer from county for plea and sentence.--

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

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

368 (e) Upon successful completion of the drug court program,
369 the jurisdiction to which the case has been transferred shall
370 dispose of the case pursuant to s. 948.08(6). If the defendant
371 does not complete the drug court program successfully, the
372 jurisdiction to which the case has been transferred shall
373 dispose of the case within the guidelines of the Criminal
374 Punishment Code ~~ease shall be prosecuted as determined by the~~
375 ~~state attorneys of the sending and receiving counties.~~

376 Section 8. Subsections (6), (7), and (8) of section
377 948.08, Florida Statutes, are amended to read:

378 948.08 Pretrial intervention program.--

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

383 solicitation for purchase of a controlled substance, or
 384 obtaining a prescription by fraud; who has not been charged with
 385 a crime involving violence, including, but not limited to,
 386 murder, sexual battery, robbery, carjacking, home-invasion
 387 robbery, or any other crime involving violence; and who has not
 388 previously been convicted of a felony nor been admitted to a
 389 felony pretrial program referred to in this section is eligible
 390 for voluntary admission into a pretrial substance abuse
 391 education and treatment intervention program, including a
 392 treatment-based drug court program established pursuant to s.
 393 397.334, approved by the chief judge of the circuit, for a
 394 period of not less than 1 year in duration, upon motion of
 395 either party or the court's own motion, ~~except:~~

396 1. If a defendant was previously offered admission to a
 397 pretrial substance abuse education and treatment intervention
 398 program at any time prior to trial and the defendant rejected
 399 that offer on the record, then the court, upon motion of ~~or~~ the
 400 state attorney, may deny the defendant's admission to such a
 401 program.

402 2. if the state attorney believes that the facts and
 403 circumstances of the case suggest the defendant's involvement in
 404 the dealing and selling of controlled substances, the court
 405 shall hold a preadmission hearing. If the state attorney
 406 establishes, by a preponderance of the evidence at such hearing,
 407 that the defendant was involved in the dealing or selling of
 408 controlled substances, the court shall deny the defendant's
 409 admission into a pretrial intervention program.

410 (b) While enrolled in a pretrial intervention program
411 authorized by this subsection, the participant is subject to a
412 coordinated strategy developed by a drug court team under s.
413 397.334(3). The coordinated strategy may include a protocol of
414 sanctions that may be imposed upon the participant for
415 noncompliance with program rules. The protocol of sanctions may
416 include, but is not limited to, placement in a substance abuse
417 treatment program offered by a licensed service provider as
418 defined in s. 397.311 or in a jail-based treatment program or
419 -serving a period of incarceration within the time limits
420 established for contempt of court. The coordinated strategy must
421 be provided in writing to the participant before the participant
422 agrees to enter into a pretrial treatment-based drug court
423 program or other pretrial intervention program.

424 (c)~~(b)~~ At the end of the pretrial intervention period, the
425 court shall consider the recommendation of the administrator
426 pursuant to subsection (5) and the recommendation of the state
427 attorney as to disposition of the pending charges. The court
428 shall determine, by written finding, whether the defendant has
429 successfully completed the pretrial intervention program.

430 ~~(e)1.~~ If the court finds that the defendant has not
431 successfully completed the pretrial intervention program, the
432 court may order the person to continue in education and
433 treatment, which may include substance abuse treatment programs
434 offered by licensed service providers as defined in s. 397.311
435 or jail-based treatment programs, or order that the charges
436 revert to normal channels for prosecution.

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437 ~~2-~~ The court shall dismiss the charges upon a finding that
438 the defendant has successfully completed the pretrial
439 intervention program.

440 (d) Any entity, whether public or private, providing a
441 pretrial substance abuse education and treatment intervention
442 program under this subsection must contract with the county or
443 appropriate governmental entity, and the terms of the contract
444 must include, but need not be limited to, the requirements
445 established for private entities under s. 948.15(3).

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

458 (7)(8) The department may contract for the services and
459 facilities necessary to operate pretrial intervention programs.

460 Section 9. Section 948.16, Florida Statutes, is amended to
461 read:

462 948.16 Misdemeanor pretrial substance abuse education and
463 treatment intervention program.--

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

482 (b) While enrolled in a pretrial intervention program
483 authorized by this section, the participant is subject to a
484 coordinated strategy developed by a drug court team under s.
485 397.334(3). The coordinated strategy may include a protocol of
486 sanctions that may be imposed upon the participant for
487 noncompliance with program rules. The protocol of sanctions may
488 include, but is not limited to, placement in a substance abuse
489 treatment program offered by a licensed service provider as
490 defined in s. 397.311 or in a jail-based treatment program or
491 serving a period of incarceration within the time limits

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492 established for contempt of court. The coordinated strategy must
493 be provided in writing to the participant before the participant
494 agrees to enter into a pretrial treatment-based drug court
495 program or other pretrial intervention program.

496 (2) At the end of the pretrial intervention period, the
497 court shall consider the recommendation of the treatment program
498 and the recommendation of the state attorney as to disposition
499 of the pending charges. The court shall determine, by written
500 finding, whether the defendant successfully completed the
501 pretrial intervention program.

502 ~~(a)~~ If the court finds that the defendant has not
503 successfully completed the pretrial intervention program, the
504 court may order the person to continue in education and
505 treatment or return the charges to the criminal docket for
506 prosecution.

507 ~~(b)~~ The court shall dismiss the charges upon finding that
508 the defendant has successfully completed the pretrial
509 intervention program.

510 (3) Any public or private entity providing a pretrial
511 substance abuse education and treatment program under this
512 section shall contract with the county or appropriate
513 governmental entity. The terms of the contract shall include,
514 but not be limited to, the requirements established for private
515 entities under s. 948.15(3).

516 Section 10. Section 985.306, Florida Statutes, is amended
517 to read:

518 985.306 Delinquency pretrial intervention program.--

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

543 (2) While enrolled in a delinquency pretrial intervention
544 program authorized by this section, a child is subject to a
545 coordinated strategy developed by a drug court team under s.
546 397.334(3). The coordinated strategy may include a protocol of

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547 sanctions that may be imposed upon the child for noncompliance
548 with program rules. The protocol of sanctions may include, but
549 is not limited to, placement in a substance abuse treatment
550 program offered by a licensed service provider as defined in s.
551 397.311 or serving a period of secure detention under this
552 chapter. The coordinated strategy must be provided in writing to
553 the child before the child agrees to enter the pretrial
554 treatment-based drug court program or other pretrial
555 intervention program.

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

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

568 2. The court may dismiss the charges upon a finding that
569 the child has successfully completed the delinquency pretrial
570 intervention program.

571 (4)~~(d)~~ Any entity, whether public or private, providing
572 pretrial substance abuse education, treatment intervention, and
573 a urine monitoring program under this section must contract with
574 the county or appropriate governmental entity, and the terms of

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575 the contract must include, but need not be limited to, the
576 requirements established for private entities under s.
577 948.15(3). It is the intent of the Legislature that public or
578 private entities providing substance abuse education and
579 treatment intervention programs involve the active participation
580 of parents, schools, churches, businesses, law enforcement
581 agencies, and the department or its contract providers.

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

591 Section 11. This act shall take effect upon becoming a
592 law.