

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

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

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. This act may be cited as the "Robert J. Koch
53 Drug Court Intervention Act."

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

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

58 (4) SUBSTANCE ABUSE SERVICES.--

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

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

65 1. To ensure the safety of children.

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

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

73 4. To support families in recovery.

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

81 independent of state care. In order to provide these services,
82 the state's dependency system must have the ability to identify
83 and provide appropriate intervention and treatment for children
84 with personal or family-related substance abuse problems.

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

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

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

107 Section 3. Subsection (15) of section 39.407, Florida
 108 Statutes, is amended, and subsection (16) is added to that
 109 section, to read:

110 39.407 Medical, psychiatric, and psychological examination
 111 and treatment of child; physical, ~~or~~ mental, or substance abuse
 112 examination of parent or person with or requesting child custody
 113 ~~of child.~~--

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

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

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

134 39.507 Adjudicatory hearings; orders of adjudication.--

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

158 Section 5. Paragraph (b) of subsection (1) of section
159 39.521, Florida Statutes, is amended to read:

160 39.521 Disposition hearings; powers of disposition.--

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

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

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

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

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

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

215 powers ordinarily granted to a guardian of the person of a minor
216 unless otherwise specified. Upon the court's termination of
217 supervision by the department, no further judicial reviews are
218 required, so long as permanency has been established for the
219 child.

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

222 397.334 Treatment-based drug court programs.--

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

241 (2) Entry into any pretrial treatment-based drug court
242 program shall be voluntary. When neither s. 948.08(6)(a)1. nor
243 s. 948.08(6)(a)2. applies, the court may order an individual to
244 enter into a pretrial treatment-based drug court program only
245 upon written agreement by the individual, which shall include a
246 statement that the individual understands the requirements of
247 the program and the potential sanctions for noncompliance.

248 ~~(3)-(2)~~ The treatment-based drug court programs shall
249 include therapeutic jurisprudence principles and adhere to the
250 following 10 key components, recognized by the Drug Courts
251 Program Office of the Office of Justice Programs of the United
252 States Department of Justice and adopted by the Florida Supreme
253 Court Treatment-Based Drug Court Steering Committee:

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

256 (b) Using a nonadversarial approach, prosecution and
257 defense counsel promote public safety while protecting
258 participants' due process rights.

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

261 (d) Drug court programs provide access to a continuum of
262 alcohol, drug, and other related treatment and rehabilitation
263 services.

264 (e) Abstinence is monitored by frequent testing for
265 alcohol and other drugs.

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

268 (g) Ongoing judicial interaction with each drug court
269 program participant is essential.

270 (h) Monitoring and evaluation measure the achievement of
271 program goals and gauge program effectiveness.

272 (i) Continuing interdisciplinary education promotes
273 effective drug court program planning, implementation, and
274 operations.

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

278 ~~(4)-(3)~~ Treatment-based drug court programs may include
279 pretrial intervention programs as provided in ss. 948.08,
280 948.16, and 985.306, treatment-based drug court programs
281 authorized in chapter 39, postadjudicatory programs, and review
282 of the status of compliance or noncompliance of sentenced
283 offenders through a treatment-based drug court program. While
284 enrolled in a treatment-based drug court program, the
285 participant is subject to a coordinated strategy developed by a
286 drug court team under subsection (3). The coordinated strategy
287 may include a protocol of sanctions that may be imposed upon the
288 participant for noncompliance with program rules. The protocol
289 of sanctions may include, but is not limited to, placement in a
290 substance abuse treatment program offered by a licensed service
291 provider as defined in s. 397.311 or in a jail-based treatment
292 program or serving a period of secure detention under chapter
293 985 if a child or a period of incarceration within the time
294 limits established for contempt of court if an adult. The

295 coordinated strategy must be provided in writing to the
296 participant before the participant agrees to enter into a
297 treatment-based drug court program.

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

309 (6)-(4)(a) The Florida Association of Drug Court ~~Program~~
310 Professionals is created. The membership of the association may
311 consist of treatment-based drug court program practitioners who
312 comprise the multidisciplinary treatment-based drug court
313 program team, including, but not limited to, judges, state
314 attorneys, defense counsel, treatment-based drug court program
315 coordinators, probation officers, law enforcement officers,
316 community representatives, members of the academic community,
317 and treatment professionals. Membership in the association shall
318 be voluntary.

319 (b) The association shall annually elect a chair whose
320 duty is to solicit recommendations from members on issues
321 relating to the expansion, operation, and institutionalization

322 of treatment-based drug court programs. The chair is responsible
323 for providing on or before October 1 of each year the
324 association's recommendations and an annual report to the
325 appropriate Supreme Court ~~Treatment-Based Drug Court Steering~~
326 committee or to the appropriate personnel of the Office of the
327 State Courts Administrator, ~~and shall submit a report each year,~~
328 ~~on or before October 1, to the steering committee.~~

329 ~~(7)-(5)~~ If a county chooses to fund a treatment-based drug
330 court program, the county must secure funding from sources other
331 than the state for those costs not otherwise assumed by the
332 state pursuant to s. 29.004. However, this does not preclude
333 counties from using treatment and other service dollars provided
334 through state executive branch agencies. Counties may provide,
335 by interlocal agreement, for the collective funding of these
336 programs.

337 (8) The chief judge of each judicial circuit may appoint
338 an advisory committee for the treatment-based drug court
339 program. The committee shall be composed of the chief judge, or
340 his or her designee, who shall serve as chair; the judge of the
341 treatment-based drug court program, if not otherwise designated
342 by the chief judge as his or her designee; the state attorney,
343 or his or her designee; the public defender, or his or her
344 designee; the treatment-based drug court program coordinators;
345 community representatives; treatment representatives; and any
346 other persons the chair finds are appropriate.

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

349 910.035 Transfer from county for plea and sentence.--

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

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

360 (e) Upon successful completion of the drug court program,
361 the jurisdiction to which the case has been transferred shall
362 dispose of the case pursuant to s. 948.08(6). If the defendant
363 does not complete the drug court program successfully, the
364 jurisdiction to which the case has been transferred shall
365 dispose of the case within the guidelines of the Criminal
366 Punishment Code ~~case shall be prosecuted as determined by the~~
367 ~~state attorneys of the sending and receiving counties.~~

368 Section 8. Subsections (6), (7), and (8) of section
369 948.08, Florida Statutes, are amended to read:

370 948.08 Pretrial intervention program.--

371 (6) (a) Notwithstanding any provision of this section, a
372 person who is charged with a felony of the second or third
373 degree for purchase or possession of a controlled substance
374 under chapter 893, prostitution, tampering with evidence,
375 solicitation for purchase of a controlled substance, or

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

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

393 2. If the state attorney believes that the facts and
394 circumstances of the case suggest the defendant's involvement in
395 the dealing and selling of controlled substances, the court
396 shall hold a preadmission hearing. If the state attorney
397 establishes, by a preponderance of the evidence at such hearing,
398 that the defendant was involved in the dealing or selling of
399 controlled substances, the court shall deny the defendant's
400 admission into a pretrial intervention program.

401 (b) While enrolled in a pretrial intervention program
402 authorized by this subsection, the participant is subject to a

403 coordinated strategy developed by a drug court team under s.
404 397.334(3). The coordinated strategy may include a protocol of
405 sanctions that may be imposed upon the participant for
406 noncompliance with program rules. The protocol of sanctions may
407 include, but is not limited to, placement in a substance abuse
408 treatment program offered by a licensed service provider as
409 defined in s. 397.311 or in a jail-based treatment program or
410 -serving a period of incarceration within the time limits
411 established for contempt of court. The coordinated strategy must
412 be provided in writing to the participant before the participant
413 agrees to enter into a pretrial treatment-based drug court
414 program or other pretrial intervention program. Any person whose
415 charges are dismissed after successful completion of the
416 treatment-based drug court program, if otherwise eligible, may
417 have his or her arrest record and plea of nolo contendere to the
418 dismissed charges expunged under s. 943.0585.

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

425 ~~(e)1.~~ Notwithstanding the coordinated strategy developed
426 by a drug court team pursuant to s. 397.334(3), if the court
427 finds that the defendant has not successfully completed the
428 pretrial intervention program, the court may order the person to
429 continue in education and treatment, which may include substance

430 abuse treatment programs offered by licensed service providers
431 as defined in s. 397.311 or jail-based treatment programs, or
432 order that the charges revert to normal channels for
433 prosecution.

434 ~~2.~~ The court shall dismiss the charges upon a finding that
435 the defendant has successfully completed the pretrial
436 intervention program.

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

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

455 (7)~~(8)~~ The department may contract for the services and
456 facilities necessary to operate pretrial intervention programs.

457 Section 9. Section 948.16, Florida Statutes, is amended to
458 read:

459 948.16 Misdemeanor pretrial substance abuse education and
460 treatment intervention program.--

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

479 (b) While enrolled in a pretrial intervention program
480 authorized by this section, the participant is subject to a
481 coordinated strategy developed by a drug court team under s.
482 397.334(3). The coordinated strategy may include a protocol of
483 sanctions that may be imposed upon the participant for

484 noncompliance with program rules. The protocol of sanctions may
485 include, but is not limited to, placement in a substance abuse
486 treatment program offered by a licensed service provider as
487 defined in s. 397.311 or in a jail-based treatment program or
488 -serving a period of incarceration within the time limits
489 established for contempt of court. The coordinated strategy must
490 be provided in writing to the participant before the participant
491 agrees to enter into a pretrial treatment-based drug court
492 program or other pretrial intervention program. Any person whose
493 charges are dismissed after successful completion of the
494 treatment-based drug court program, if otherwise eligible, may
495 have his or her arrest record and plea of nolo contendere to the
496 dismissed charges expunged under s. 943.0585.

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

503 ~~(a)~~ Notwithstanding the coordinated strategy developed by
504 a drug court team pursuant to s. 397.334(3), if the court finds
505 that the defendant has not successfully completed the pretrial
506 intervention program, the court may order the person to continue
507 in education and treatment or return the charges to the criminal
508 docket for prosecution.

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

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

518 Section 10. Section 985.306, Florida Statutes, is amended
 519 to read:

520 985.306 Delinquency pretrial intervention program.--

521 (1) ~~(a)~~ Notwithstanding any provision of law to the
 522 contrary, a child who is charged ~~under chapter 893~~ with a felony
 523 of the second or third degree for purchase or possession of a
 524 controlled substance under chapter 893; tampering with evidence;
 525 solicitation for purchase of a controlled substance; or
 526 obtaining a prescription by fraud, and who has not previously
 527 been adjudicated for a felony ~~nor been admitted to a delinquency~~
 528 ~~pretrial intervention program under this section,~~ is eligible
 529 for voluntary admission into a delinquency pretrial substance
 530 abuse education and treatment intervention program, including a
 531 treatment-based drug court program established pursuant to s.
 532 397.334, approved by the chief judge or alternative sanctions
 533 coordinator of the circuit to the extent that funded programs
 534 are available, for a period based on the program requirements
 535 and the treatment services that are suitable for the offender ~~of~~

536 ~~not less than 1 year in duration~~, upon motion of either party or
537 the court's own motion. However, if the state attorney believes
538 that the facts and circumstances of the case suggest the child's
539 involvement in the dealing and selling of controlled substances,
540 the court shall hold a preadmission hearing. If the state
541 attorney establishes by a preponderance of the evidence at such
542 hearing that the child was involved in the dealing and selling
543 of controlled substances, the court shall deny the child's
544 admission into a delinquency pretrial intervention program.

545 (2) While enrolled in a delinquency pretrial intervention
546 program authorized by this section, a child is subject to a
547 coordinated strategy developed by a drug court team under s.
548 397.334(3). The coordinated strategy may include a protocol of
549 sanctions that may be imposed upon the child for noncompliance
550 with program rules. The protocol of sanctions may include, but
551 is not limited to, placement in a substance abuse treatment
552 program offered by a licensed service provider as defined in s.
553 397.311 or serving a period of secure detention under this
554 chapter. The coordinated strategy must be provided in writing to
555 the child before the child agrees to enter the pretrial
556 treatment-based drug court program or other pretrial
557 intervention program. Any child whose charges are dismissed
558 after successful completion of the treatment-based drug court
559 program, if otherwise eligible, may have his or her arrest
560 record and plea of nolo contendere to the dismissed charges
561 expunged under s. 943.0585.

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

568 ~~(e)1.~~ Notwithstanding the coordinated strategy developed
569 by a drug court team pursuant to s. 397.334(3), if the court
570 finds that the child has not successfully completed the
571 delinquency pretrial intervention program, the court may order
572 the child to continue in an education, treatment, or urine
573 monitoring program if resources and funding are available or
574 order that the charges revert to normal channels for
575 prosecution.

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

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

588 | of parents, schools, churches, businesses, law enforcement
589 | agencies, and the department or its contract providers.

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

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