

1 A bill to be entitled
 2 An act relating to misdemeanor pretrial substance abuse
 3 programs; amending s. 948.16, F.S.; providing that
 4 additional persons who have been charged with misdemeanor
 5 offenses may qualify for the program; providing that a
 6 person who has previously been admitted to a pretrial
 7 program may qualify for the program; providing an
 8 effective date.

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

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 12 Section 1. Paragraph (a) of subsection (1) of section
 13 948.16, Florida Statutes, is amended to read:

14 948.16 Misdemeanor pretrial substance abuse education and
 15 treatment intervention program.—

16 (1) (a) A person who is charged with a misdemeanor for
 17 possession of a controlled substance or drug paraphernalia or
 18 with any other misdemeanor under chapter 893, and who has not
 19 previously been convicted of a felony ~~nor been admitted to a~~
 20 ~~pretrial program~~, is eligible for voluntary admission into a
 21 misdemeanor pretrial substance abuse education and treatment
 22 intervention program, including a treatment-based drug court
 23 program established pursuant to s. 397.334, approved by the
 24 chief judge of the circuit, for a period based on the program
 25 requirements and the treatment plan for the offender, upon
 26 motion of either party or the court's own motion, except, if the
 27 state attorney believes the facts and circumstances of the case
 28 suggest the defendant is involved in dealing and selling

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29 | controlled substances, the court shall hold a preadmission
30 | hearing. If the state attorney establishes, by a preponderance
31 | of the evidence at such hearing, that the defendant was involved
32 | in dealing or selling controlled substances, the court shall
33 | deny the defendant's admission into the pretrial intervention
34 | program.

35 | Section 2. This act shall take effect July 1, 2010.