

By Senator Siplin

19-00408-10

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1 A bill to be entitled

2 An act relating to the circuit courts; creating s.
3 26.014, F.S.; creating a division of unified family
4 court within each circuit court to coordinate or
5 consolidate cases affecting a single family; creating
6 s. 26.015, F.S.; creating a division of teen court
7 within each circuit court; creating s. 26.016, F.S.;
8 creating a division of drug and mental health court
9 within each circuit court; amending s. 397.334, F.S.;
10 requiring counties to fund treatment-based drug court
11 programs; providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Section 26.014, Florida Statutes, is created to
16 read:

17 26.014 Division of unified family court.—Each circuit court
18 shall establish a division of unified family court. The division
19 shall coordinate or consolidate all cases under chapters 61, 63,
20 88, 741, 742, 743, 984, 985, and 1003 and s. 68.07 which affect
21 a single family. The division shall use a fully integrated,
22 comprehensive approach that includes coordinated case
23 management, the concept of "one family, one judge,"
24 collaboration with the community for referral to needed
25 services, and methods of alternative dispute resolution.

26 Section 2. Section 26.015, Florida Statutes, is created to
27 read:

28 26.015 Division of teen court.—Each circuit court shall
29 establish a division of teen court. The division of teen court

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30 shall administer s. 938.19.

31 Section 3. Section 26.016, Florida Statutes, is created to
32 read:

33 26.016 Division of drug and mental health court.—Each
34 circuit court shall establish a division of drug and mental
35 health court to administer ss. 394.656, 394.658, and 397.334.

36 Section 4. Section 397.334, Florida Statutes, is amended to
37 read:

38 397.334 Treatment-based drug court programs.—

39 (1) Each county shall ~~may~~ fund a treatment-based drug court
40 program under which persons in the justice system assessed with
41 a substance abuse problem will be processed in such a manner as
42 to appropriately address the severity of the identified
43 substance abuse problem through treatment services tailored to
44 the individual needs of the participant. ~~It is the intent of the~~
45 ~~Legislature to encourage the Department of Corrections, the~~
46 ~~Department of Children and Family Services, the Department of~~
47 ~~Juvenile Justice, the Department of Health, the Department of~~
48 ~~Law Enforcement, the Department of Education, and such agencies,~~
49 ~~local governments, law enforcement agencies, other interested~~
50 ~~public or private sources, and individuals to support the~~
51 ~~creation and establishment of these problem-solving court~~
52 ~~programs.~~ Participation in the treatment-based drug court
53 programs does not divest any public or private agency of its
54 responsibility for a child or adult, but enables these agencies
55 to better meet their needs through shared responsibility and
56 resources.

57 (2) Entry into any pretrial treatment-based drug court
58 program shall be voluntary. When neither s. 948.08(6)(a)1. nor

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59 2. applies, the court may order an individual to enter into a
60 pretrial treatment-based drug court program only upon written
61 agreement by the individual, which shall include a statement
62 that the individual understands the requirements of the program
63 and the potential sanctions for noncompliance.

64 (3) (a) Entry into any postadjudicatory treatment-based drug
65 court program as a condition of probation or community control
66 pursuant to s. 948.01, s. 948.06, or s. 948.20 must be based
67 upon the sentencing court's assessment of the defendant's
68 criminal history, substance abuse screening outcome, amenability
69 to the services of the program, total sentence points, the
70 recommendation of the state attorney and the victim, if any, and
71 the defendant's agreement to enter the program.

72 (b) An offender who is sentenced to a postadjudicatory drug
73 court program and who, while a drug court participant, is the
74 subject of a violation of probation or community control under
75 s. 948.06, based solely upon a failed or suspect substance abuse
76 test administered pursuant to s. 948.01 or s. 948.03, shall have
77 the violation of probation or community control heard by the
78 judge presiding over the postadjudicatory drug court program.
79 The judge shall dispose of any such violation, after a hearing
80 on or admission of the violation, as he or she deems appropriate
81 if the resulting sentence or conditions are lawful.

82 (4) The treatment-based drug court programs shall include
83 therapeutic jurisprudence principles and adhere to the following
84 10 key components, recognized by the Drug Courts Program Office
85 of the Office of Justice Programs of the United States
86 Department of Justice and adopted by the Florida Supreme Court
87 Treatment-Based Drug Court Steering Committee:

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

90 (b) Using a nonadversarial approach, prosecution and
91 defense counsel promote public safety while protecting
92 participants' due process rights.

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

95 (d) Drug court programs provide access to a continuum of
96 alcohol, drug, and other related treatment and rehabilitation
97 services.

98 (e) Abstinence is monitored by frequent testing for alcohol
99 and other drugs.

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

102 (g) Ongoing judicial interaction with each drug court
103 program participant is essential.

104 (h) Monitoring and evaluation measure the achievement of
105 program goals and gauge program effectiveness.

106 (i) Continuing interdisciplinary education promotes
107 effective drug court program planning, implementation, and
108 operations.

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

112 (5) Treatment-based drug court programs may include
113 pretrial intervention programs as provided in ss. 948.08,
114 948.16, and 985.345, treatment-based drug court programs
115 authorized in chapter 39, postadjudicatory programs, and review
116 of the status of compliance or noncompliance of sentenced

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117 offenders through a treatment-based drug court program. While
118 enrolled in a treatment-based drug court program, the
119 participant is subject to a coordinated strategy developed by a
120 drug court team under subsection (3). The coordinated strategy
121 may include a protocol of sanctions that may be imposed upon the
122 participant for noncompliance with program rules. The protocol
123 of sanctions may include, but is not limited to, placement in a
124 substance abuse treatment program offered by a licensed service
125 provider as defined in s. 397.311 or in a jail-based treatment
126 program or serving a period of secure detention under chapter
127 985 if a child or a period of incarceration within the time
128 limits established for contempt of court if an adult. The
129 coordinated strategy must be provided in writing to the
130 participant before the participant agrees to enter into a
131 treatment-based drug court program.

132 (6) (a) Contingent upon an annual appropriation by the
133 Legislature, each judicial circuit shall establish, at a
134 minimum, one coordinator position for the treatment-based drug
135 court program within the state courts system to coordinate the
136 responsibilities of the participating agencies and service
137 providers. Each coordinator shall provide direct support to the
138 treatment-based drug court program by providing coordination
139 between the multidisciplinary team and the judiciary, providing
140 case management, monitoring compliance of the participants in
141 the treatment-based drug court program with court requirements,
142 and providing program evaluation and accountability.

143 (b) Each circuit shall report sufficient client-level and
144 programmatic data to the Office of State Courts Administrator
145 annually for purposes of program evaluation. Client-level data

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146 include primary offenses that resulted in the drug court
147 referral or sentence, treatment compliance, completion status
148 and reasons for failure to complete, offenses committed during
149 treatment and the sanctions imposed, frequency of court
150 appearances, and units of service. Programmatic data include
151 referral and screening procedures, eligibility criteria, type
152 and duration of treatment offered, and residential treatment
153 resources.

154 (7) (a) The Florida Association of Drug Court Professionals
155 is created. The membership of the association may consist of
156 treatment-based drug court program practitioners who comprise
157 the multidisciplinary treatment-based drug court program team,
158 including, but not limited to, judges, state attorneys, defense
159 counsel, treatment-based drug court program coordinators,
160 probation officers, law enforcement officers, community
161 representatives, members of the academic community, and
162 treatment professionals. Membership in the association shall be
163 voluntary.

164 (b) The association shall annually elect a chair whose duty
165 is to solicit recommendations from members on issues relating to
166 the expansion, operation, and institutionalization of treatment-
167 based drug court programs. The chair is responsible for
168 providing on or before October 1 of each year the association's
169 recommendations and an annual report to the appropriate Supreme
170 Court committee or to the appropriate personnel of the Office of
171 the State Courts Administrator.

172 (8) A ~~If a county chooses to fund a treatment-based drug~~
173 ~~court program,~~ the county must secure funding from sources other
174 than the state for those costs not otherwise assumed by the

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175 state pursuant to s. 29.004. However, this does not preclude
176 counties from using treatment and other service dollars provided
177 through state executive branch agencies. Counties may provide,
178 by interlocal agreement, for the collective funding of these
179 programs.

180 (9) The chief judge of each judicial circuit may appoint an
181 advisory committee for the treatment-based drug court program.
182 The committee shall be composed of the chief judge, or his or
183 her designee, who shall serve as chair; the judge of the
184 treatment-based drug court program, if not otherwise designated
185 by the chief judge as his or her designee; the state attorney,
186 or his or her designee; the public defender, or his or her
187 designee; the treatment-based drug court program coordinators;
188 community representatives; treatment representatives; and any
189 other persons the chair finds are appropriate.

190 Section 5. This act shall take effect January 1, 2011.