

By Senator Ring

32-00036-11

2011104

1                   A bill to be entitled  
2           An act relating to misdemeanor pretrial substance  
3           abuse programs; amending s. 948.16, F.S.; providing  
4           that a person who has previously been admitted to a  
5           pretrial program may qualify for a misdemeanor  
6           pretrial substance abuse program; providing an  
7           effective date.  
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9 Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. Paragraph (a) of subsection (1) of section  
12           948.16, Florida Statutes, is amended to read:

13           948.16 Misdemeanor pretrial substance abuse education and  
14           treatment intervention program.—

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

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30 defendant was involved in dealing or selling controlled  
31 substances, the court shall deny the defendant's admission into  
32 the pretrial intervention program.

33 Section 2. This act shall take effect July 1, 2011.