

By Senator Lynn

7-01503A-11

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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 still qualify for voluntary
6 admission to a program; providing an effective date.

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

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10 Section 1. Paragraph (a) of subsection (1) of section
11 948.16, Florida Statutes, is amended to read:

12 948.16 Misdemeanor pretrial substance abuse education and
13 treatment intervention program.—

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

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30 substances, the court shall deny the defendant's admission into
31 the pretrial intervention program.

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