

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Nelson offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 956 and 957, insert:

6 Section 17. Present subsection (7) of section 948.08,
7 Florida Statutes, is renumbered as subsection (8), and a new
8 subsection (7) is added to that section, to read:

9 948.08 Pretrial intervention program.—

10 (7) (a) Notwithstanding any provision of this section, a
11 person who is charged with a felony, other than a felony listed
12 in s. 948.06(8)(c), and identified as a servicemember, as
13 defined in s. 250.01, or veteran, as defined in s. 1.01, who
14 suffers from a military service-related mental illness,
15 traumatic brain injury, substance use disorder, or psychological
16 problem, is eligible for voluntary admission into a pretrial
17 veterans' treatment intervention program approved by the chief
18 judge of the circuit, upon motion of either party or the court's
19 own motion, except:

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20 1. If a defendant was previously offered admission to a
21 pretrial veterans' treatment intervention program at any time
22 before trial and the defendant rejected that offer on the
23 record, the court may deny the defendant's admission to such a
24 program.

25 2. If a defendant previously entered a court-ordered
26 veterans' treatment program, the court may deny the defendant's
27 admission into the pretrial veterans' treatment program.

28 (b) While enrolled in a pretrial intervention program
29 authorized by this subsection, the participant shall be subject
30 to a coordinated strategy developed by a veterans' treatment
31 intervention team. The coordinated strategy should be modeled
32 after the therapeutic jurisprudence principles and key
33 components in s. 397.334(4), with treatment specific to the
34 needs of servicemembers and veterans. The coordinated strategy
35 may include a protocol of sanctions that may be imposed upon the
36 participant for noncompliance with program rules. The protocol
37 of sanctions may include, but need not be limited to, placement
38 in a treatment program offered by a licensed service provider or
39 in a jail-based treatment program or serving a period of
40 incarceration within the time limits established for contempt of
41 court. The coordinated strategy must be provided in writing to
42 the participant before the participant agrees to enter into a
43 pretrial veterans' treatment intervention program or other
44 pretrial intervention program. Any person whose charges are
45 dismissed after successful completion of the pretrial veterans'
46 treatment intervention program, if otherwise eligible, may have

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47 his or her arrest record to the dismissed charges expunged under
48 s. 943.0585.

49 (c) At the end of the pretrial intervention period, the
50 court shall consider the recommendation of the treatment program
51 and the recommendation of the state attorney as to disposition
52 of the pending charges. The court shall determine, by written
53 finding, whether the defendant has successfully completed the
54 pretrial intervention program. If the court finds that the
55 defendant has not successfully completed the pretrial
56 intervention program, the court may order the person to continue
57 in education and treatment, which may include treatment programs
58 offered by licensed service providers or jail-based treatment
59 programs, or order that the charges revert to normal channels
60 for prosecution. The court shall dismiss the charges upon a
61 finding that the defendant has successfully completed the
62 pretrial intervention program.

63 Section 18. Section 948.16, Florida Statutes, is amended
64 to read:

65 948.16 Misdemeanor pretrial substance abuse education and
66 treatment intervention program; misdemeanor pretrial veterans'
67 treatment intervention program.-

68 (1) (a) A person who is charged with a misdemeanor for
69 possession of a controlled substance or drug paraphernalia under
70 chapter 893, and who has not previously been convicted of a
71 felony nor been admitted to a pretrial program, is eligible for
72 voluntary admission into a misdemeanor pretrial substance abuse
73 education and treatment intervention program, including a
74 treatment-based drug court program established pursuant to s.

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75 397.334, approved by the chief judge of the circuit, for a
76 period based on the program requirements and the treatment plan
77 for the offender, upon motion of either party or the court's own
78 motion, except, if the state attorney believes the facts and
79 circumstances of the case suggest the defendant is involved in
80 dealing and selling controlled substances, the court shall hold
81 a preadmission hearing. If the state attorney establishes, by a
82 preponderance of the evidence at such hearing, that the
83 defendant was involved in dealing or selling controlled
84 substances, the court shall deny the defendant's admission into
85 the pretrial intervention program.

86 (b) While enrolled in a pretrial intervention program
87 authorized by this section, the participant is subject to a
88 coordinated strategy developed by a drug court team under s.
89 397.334(4). The coordinated strategy may include a protocol of
90 sanctions that may be imposed upon the participant for
91 noncompliance with program rules. The protocol of sanctions may
92 include, but is not limited to, placement in a substance abuse
93 treatment program offered by a licensed service provider as
94 defined in s. 397.311 or in a jail-based treatment program or
95 serving a period of incarceration within the time limits
96 established for contempt of court. The coordinated strategy must
97 be provided in writing to the participant before the participant
98 agrees to enter into a pretrial treatment-based drug court
99 program or other pretrial intervention program. Any person whose
100 charges are dismissed after successful completion of the
101 treatment-based drug court program, if otherwise eligible, may

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102 have his or her arrest record and plea of nolo contendere to the
103 dismissed charges expunged under s. 943.0585.

104 (2) (a) A servicemember, as defined in s. 250.01, or
105 veteran, as defined in s. 1.01, who suffers from a military
106 service-related mental illness, traumatic brain injury,
107 substance use disorder, or psychological problem, and who is
108 charged with a misdemeanor is eligible for voluntary admission
109 into a misdemeanor pretrial veterans' treatment intervention
110 program approved by the chief judge of the circuit, for a period
111 based on the program's requirements and the treatment plan for
112 the offender, upon motion of either party or the court's own
113 motion. However, the court may deny the defendant admission into
114 a misdemeanor pretrial veterans' treatment intervention program
115 if the defendant has previously entered a court-ordered
116 veterans' treatment program.

117 (b) While enrolled in a pretrial intervention program
118 authorized by this section, the participant shall be subject to
119 a coordinated strategy developed by a veterans' treatment
120 intervention team. The coordinated strategy should be modeled
121 after the therapeutic jurisprudence principles and key
122 components in s. 397.334(4), with treatment specific to the
123 needs of servicemembers and veterans. The coordinated strategy
124 may include a protocol of sanctions that may be imposed upon the
125 participant for noncompliance with program rules. The protocol
126 of sanctions may include, but need not be limited to, placement
127 in a treatment program offered by a licensed service provider or
128 in a jail-based treatment program or serving a period of
129 incarceration within the time limits established for contempt of

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130 court. The coordinated strategy must be provided in writing to
131 the participant before the participant agrees to enter into a
132 misdemeanor pretrial veterans' treatment intervention program or
133 other pretrial intervention program. Any person whose charges
134 are dismissed after successful completion of the misdemeanor
135 pretrial veterans' treatment intervention program, if otherwise
136 eligible, may have his or her arrest record to the dismissed
137 charges expunged under s. 943.0585.

138 ~~(3)(2)~~ At the end of the pretrial intervention period, the
139 court shall consider the recommendation of the treatment program
140 and the recommendation of the state attorney as to disposition
141 of the pending charges. The court shall determine, by written
142 finding, whether the defendant successfully completed the
143 pretrial intervention program. Notwithstanding the coordinated
144 strategy developed by a drug court team pursuant to s.
145 397.334(4) or by the veterans' treatment intervention team, if
146 the court finds that the defendant has not successfully
147 completed the pretrial intervention program, the court may order
148 the person to continue in education and treatment or return the
149 charges to the criminal docket for prosecution. The court shall
150 dismiss the charges upon finding that the defendant has
151 successfully completed the pretrial intervention program.

152 ~~(4)(3)~~ Any public or private entity providing a pretrial
153 substance abuse education and treatment program under this
154 section shall contract with the county or appropriate
155 governmental entity. The terms of the contract shall include,
156 but not be limited to, the requirements established for private
157 entities under s. 948.15(3). This requirement does not apply to

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Published On: 2/20/2012 7:40:27 PM

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158 services provided by the Department of Veterans' Affairs or the
159 United States Department of Veterans Affairs.

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T I T L E A M E N D M E N T

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Remove line 93 and insert:

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these provisions; amending s. 948.08, F.S.; creating a pretrial

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veterans' and servicemembers' treatment intervention program;

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providing requirements for a defendant to be voluntarily

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admitted to the pretrial program; providing certain exceptions

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to such admission; providing for the disposition of pending

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charges following a defendant's completion of the pretrial

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intervention program; providing for the charges to be expunged

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under certain circumstances; amending s. 948.16, F.S.; creating

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a misdemeanor pretrial veterans' treatment intervention program;

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providing requirements for voluntary admission to the

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misdemeanor pretrial program; providing for the misdemeanor

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charges to be expunged under certain circumstances; exempting

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treatment services provided by the Department of Veterans'

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Affairs or the United States Department of Veterans Affairs from

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certain contract requirements; creating s. 948.21, F.S.;

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