

1 A bill to be entitled
 2 An act relating to problem-solving courts; amending s.
 3 397.334, F.S.; conforming provisions to changes made
 4 by the act; revising requirements for data and
 5 information collection and reporting; amending s.
 6 948.08, F.S.; revising admission requirements for
 7 pretrial substance abuse education and treatment
 8 intervention programs; amending s. 948.16, F.S.;
 9 revising admission requirements for misdemeanor
 10 pretrial substance abuse education and treatment
 11 intervention programs; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Subsections (2) and (6) of section 397.334,
 16 Florida Statutes, are amended to read:

17 397.334 Treatment-based drug court programs.—

18 (2) Entry into any pretrial treatment-based drug court
 19 program shall be voluntary. When ~~neither~~ s. 948.08 (6) (c) 1. does
 20 not apply ~~nor 2. applies~~, the court may order an eligible
 21 individual to enter into a pretrial treatment-based drug court
 22 program only upon written agreement by the individual, which
 23 shall include a statement that the individual understands the
 24 requirements of the program and the potential sanctions for
 25 noncompliance.

26 (6) (a) Contingent upon an annual appropriation by the
 27 Legislature, each judicial circuit shall establish, at a
 28 minimum, one coordinator position for the treatment-based drug
 29 court program within the state courts system to coordinate the
 30 responsibilities of the participating agencies and service
 31 providers. Each coordinator shall provide direct support to the
 32 treatment-based drug court program by providing coordination
 33 between the multidisciplinary team and the judiciary, providing
 34 case management, monitoring compliance of the participants in
 35 the treatment-based drug court program with court requirements,
 36 and managing the collection of data for ~~providing~~ program
 37 evaluation and accountability.

38 (b) Each treatment-based drug court program ~~circuit~~ shall
 39 collect ~~report~~ sufficient client-level data and programmatic
 40 information ~~data to the Office of State Courts Administrator~~
 41 ~~annually~~ for purposes of program evaluation. Client-level data
 42 includes ~~include~~ primary offenses that resulted in the
 43 treatment-based drug court program referral or sentence,
 44 treatment compliance, completion status and reasons for failure
 45 to complete, offenses committed during treatment and the
 46 sanctions imposed, frequency of court appearances, and units of
 47 service. Programmatic information includes ~~data include~~ referral
 48 and screening procedures, eligibility criteria, type and
 49 duration of treatment offered, and residential treatment
 50 resources. The programmatic information and aggregate data on

51 the number of treatment-based drug court program admissions and
 52 terminations by type of termination shall be reported annually
 53 by each treatment-based drug court program to the Office of the
 54 State Courts Administrator.

55 Section 2. Paragraphs (b), (c), and (e) of subsection (6),
 56 paragraph (c) of subsection (7), and paragraph (a) of subsection
 57 (8) of section 948.08, Florida Statutes, are amended to read:

58 948.08 Pretrial intervention program.—

59 (6)

60 (b) Notwithstanding any provision of this section, a
 61 person is eligible for voluntary admission into a pretrial
 62 substance abuse education and treatment intervention program,
 63 including a treatment-based drug court program established
 64 pursuant to s. 397.334, approved by the chief judge of the
 65 circuit, for a period to be determined by the court, based on
 66 the clinical needs of the defendant ~~of not less than 1 year in~~
 67 ~~duration,~~ if he or she:

68 1. Is identified as having a substance abuse problem and
 69 is amenable to treatment.

70 2. Is charged with a nonviolent felony.

71 3. Is not also ~~Has never been~~ charged with a crime
 72 involving violence, including, but not limited to, murder,
 73 sexual battery, robbery, carjacking, home-invasion robbery, or
 74 any other crime involving violence.

75 4. Has two or fewer felony convictions, provided that the

76 prior convictions are for nonviolent felonies.

77 (c) Upon motion of either party or the court's own motion,
78 and with the agreement of the defendant, the court shall admit
79 an eligible person into a pretrial substance abuse education and
80 treatment intervention program, except:

81 ~~1. If a defendant was previously offered admission to a~~
82 ~~pretrial substance abuse education and treatment intervention~~
83 ~~program at any time before trial and the defendant rejected that~~
84 ~~offer on the record, the court or the state attorney may deny~~
85 ~~the defendant's admission to such a program.~~

86 1.2. If the state attorney believes that the facts and
87 circumstances of the case suggest the defendant's involvement in
88 the dealing and selling of controlled substances, the court
89 shall hold a preadmission hearing. If the state attorney
90 establishes, by a preponderance of the evidence at such hearing,
91 that the defendant was involved in the dealing or selling of
92 controlled substances, the court shall deny the defendant's
93 admission into a pretrial intervention program.

94 ~~2.3.~~ If the defendant has two or fewer prior felony
95 convictions as provided in subparagraph (b)4., the court, in its
96 discretion, may deny admission to such a program.

97 (e) At the end of the pretrial intervention period, the
98 court shall consider the recommendation of the program
99 administrator pursuant to subsection (5) and the recommendation
100 of the state attorney as to disposition of the pending charges.

101 The court shall determine, by written finding, whether the
 102 defendant has successfully completed the pretrial intervention
 103 program. Notwithstanding the coordinated strategy developed by a
 104 drug court team pursuant to s. 397.334(4), if the court finds
 105 that the defendant has not successfully completed the pretrial
 106 intervention program, the court may order the person to continue
 107 in education and treatment, which may include substance abuse
 108 treatment programs offered by licensed service providers as
 109 defined in s. 397.311 or jail-based treatment programs, or order
 110 that the charges revert to normal channels for prosecution. The
 111 court shall dismiss the charges upon a finding that the
 112 defendant has successfully completed the pretrial intervention
 113 program.

114 (7)

115 (c) At the end of the pretrial intervention period, the
 116 court shall consider the recommendation of the ~~treatment~~ program
 117 administrator and the recommendation of the state attorney as to
 118 disposition of the pending charges. The court shall determine,
 119 by written finding, whether the defendant has successfully
 120 completed the pretrial intervention program. If the court finds
 121 that the defendant has not successfully completed the pretrial
 122 intervention program, the court may order the person to continue
 123 in education and treatment, which may include treatment programs
 124 offered by licensed service providers or jail-based treatment
 125 programs, or order that the charges revert to normal channels

126 for prosecution. The court shall dismiss the charges upon a
127 finding that the defendant has successfully completed the
128 pretrial intervention program.

129 (8)(a) Notwithstanding any provision of this section, a
130 defendant is eligible for voluntary admission into a pretrial
131 mental health court program established pursuant to s. 394.47892
132 and approved by the chief judge of the circuit for a period to
133 be determined by the court, based on the clinical needs of the
134 defendant, upon motion of either party or the court's own motion
135 if:

136 1. The defendant is identified as having a mental illness;
137 and

138 ~~2. The defendant has not been convicted of a felony; and~~
139 ~~2.3.~~ The defendant is charged with:

140 a. A nonviolent felony that includes a third degree felony
141 violation of chapter 810 or any other felony offense that is not
142 a forcible felony as defined in s. 776.08;

143 b. Resisting an officer with violence under s. 843.01, if
144 the law enforcement officer and state attorney consent to the
145 defendant's participation;

146 c. Battery on a law enforcement officer under s. 784.07,
147 if the law enforcement officer and state attorney consent to the
148 defendant's participation; or

149 d. Aggravated assault, if the victim and state attorney
150 consent to the defendant's participation.

151 Section 3. Paragraph (a) of subsection (1) and subsection
 152 (4) of section 948.16, Florida Statutes, are amended to read:

153 948.16 Misdemeanor pretrial substance abuse education and
 154 treatment intervention program; misdemeanor pretrial veterans'
 155 treatment intervention program; misdemeanor pretrial mental
 156 health court program.-

157 (1)(a) A person who is charged with a ~~nonviolent,~~
 158 ~~nontraffic-related~~ misdemeanor and identified as having a
 159 substance abuse problem ~~or who is charged with a misdemeanor for~~
 160 ~~possession of a controlled substance or drug paraphernalia under~~
 161 ~~chapter 893, prostitution under s. 796.07, possession of alcohol~~
 162 ~~while under 21 years of age under s. 562.111, or possession of a~~
 163 ~~controlled substance without a valid prescription under s.~~
 164 ~~499.03,~~ and who has not previously been convicted of a felony,
 165 is eligible for voluntary admission into a misdemeanor pretrial
 166 substance abuse education and treatment intervention program,
 167 including a treatment-based drug court program established
 168 pursuant to s. 397.334, approved by the chief judge of the
 169 circuit, for a period based on the program requirements and the
 170 treatment plan for the offender, upon motion of either party or
 171 the court's own motion, except, if the state attorney believes
 172 the facts and circumstances of the case suggest the defendant is
 173 involved in dealing and selling controlled substances, the court
 174 shall hold a preadmission hearing. If the state attorney
 175 establishes, by a preponderance of the evidence at such hearing,

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176 that the defendant was involved in dealing or selling controlled
177 substances, the court shall deny the defendant's admission into
178 the pretrial intervention program.

179 (4) At the end of the pretrial intervention period, the
180 court shall consider the recommendation of the ~~treatment~~ program
181 administrator and the recommendation of the state attorney as to
182 disposition of the pending charges. The court shall determine,
183 by written finding, whether the defendant successfully completed
184 the pretrial intervention program. Notwithstanding the
185 coordinated strategy developed by a drug court team pursuant to
186 s. 397.334(4) or by the veterans' treatment intervention team,
187 if the court finds that the defendant has not successfully
188 completed the pretrial intervention program, the court may order
189 the person to continue in education and treatment or return the
190 charges to the criminal docket for prosecution. The court shall
191 dismiss the charges upon finding that the defendant has
192 successfully completed the pretrial intervention program.

193 Section 4. This act shall take effect July 1, 2023.