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1
2 An act relating to problem-solving courts; amending s.
3 397.334, F.S.; revising the responsibilities of
4 coordinators of treatment-based drug court programs;
5 requiring such programs to collect specified data and
6 information for certain purposes; requiring such
7 programs to annually report certain information and
8 data to the Office of the State Courts Administrator;
9 conforming provisions to changes made by the act;
10 amending s. 948.08, F.S.; authorizing courts to
11 determine how long a person may be admitted into
12 certain programs; revising admission requirements for
13 certain programs; conforming provisions to changes
14 made by the act; amending s. 948.16, F.S.; revising
15 eligibility requirements for voluntary admission into
16 certain substance abuse programs; conforming
17 provisions to changes made by the act; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsections (2) and (6) of section 397.334,
23 Florida Statutes, are amended to read:

24 397.334 Treatment-based drug court programs.—

25 (2) Entry into any pretrial treatment-based drug court
26 program shall be voluntary. When ~~neither~~ s. 948.08(6)(c)1. does
27 not apply ~~nor 2. applies~~, the court may order an eligible
28 individual to enter into a pretrial treatment-based drug court
29 program only upon written agreement by the individual, which

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30 shall include a statement that the individual understands the
31 requirements of the program and the potential sanctions for
32 noncompliance.

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

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

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59 number of treatment-based drug court program admissions and
60 terminations by type of termination to the Office of the State
61 Courts Administrator.

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

65 948.08 Pretrial intervention program.—

66 (6)

67 (b) Notwithstanding any provision of this section, a person
68 is eligible for voluntary admission into a pretrial substance
69 abuse education and treatment intervention program, including a
70 treatment-based drug court program established pursuant to s.
71 397.334, approved by the chief judge of the circuit, for a
72 period to be determined by the court, based on the clinical
73 needs of the defendant ~~of not less than 1 year in duration~~, if
74 he or she:

75 1. Is identified as having a substance abuse problem and is
76 amenable to treatment.

77 2. Is charged with a nonviolent felony.

78 3. Is not also ~~Has never been~~ charged with a crime
79 involving violence, including, but not limited to, murder,
80 sexual battery, robbery, carjacking, home-invasion robbery, or
81 any other crime involving violence.

82 4. Has two or fewer felony convictions, provided that the
83 prior convictions are for nonviolent felonies.

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

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

93 ~~2.~~ If the state attorney believes that the facts and
94 circumstances of the case suggest the defendant's involvement in
95 the dealing and selling of controlled substances, the court
96 shall hold a preadmission hearing. If the state attorney
97 establishes, by a preponderance of the evidence at such hearing,
98 that the defendant was involved in the dealing or selling of
99 controlled substances, the court shall deny the defendant's
100 admission into a pretrial intervention program.

101 ~~2.3.~~ If the defendant has two or fewer prior felony
102 convictions as provided in subparagraph (b)4., the court, in its
103 discretion, may deny admission to such a program.

104 (e) At the end of the pretrial intervention period, the
105 court shall consider the recommendation of the program
106 administrator pursuant to subsection (5) and the recommendation
107 of the state attorney as to disposition of the pending charges.
108 The court shall determine, by written finding, whether the
109 defendant has successfully completed the pretrial intervention
110 program. Notwithstanding the coordinated strategy developed by a
111 drug court team pursuant to s. 397.334(4), if the court finds
112 that the defendant has not successfully completed the pretrial
113 intervention program, the court may order the person to continue
114 in education and treatment, which may include substance abuse
115 treatment programs offered by licensed service providers as
116 defined in s. 397.311 or jail-based treatment programs, or order

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117 that the charges revert to normal channels for prosecution. The
118 court shall dismiss the charges upon a finding that the
119 defendant has successfully completed the pretrial intervention
120 program.

121 (7)

122 (c) At the end of the pretrial intervention period, the
123 court shall consider the recommendation of the ~~treatment~~ program
124 administrator and the recommendation of the state attorney as to
125 disposition of the pending charges. The court shall determine,
126 by written finding, whether the defendant has successfully
127 completed the pretrial intervention program. If the court finds
128 that the defendant has not successfully completed the pretrial
129 intervention program, the court may order the person to continue
130 in education and treatment, which may include treatment programs
131 offered by licensed service providers or jail-based treatment
132 programs, or order that the charges revert to normal channels
133 for prosecution. The court shall dismiss the charges upon a
134 finding that the defendant has successfully completed the
135 pretrial intervention program.

136 (8) (a) Notwithstanding any provision of this section, a
137 defendant is eligible for voluntary admission into a pretrial
138 mental health court program established pursuant to s. 394.47892
139 and approved by the chief judge of the circuit for a period to
140 be determined by the court, based on the clinical needs of the
141 defendant, upon motion of either party or the court's own motion
142 if:

143 1. The defendant is identified as having a mental illness;

144 and

145 2. ~~The defendant has not been convicted of a felony; and~~

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146 ~~3.~~ The defendant is charged with:

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

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

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

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

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

160 948.16 Misdemeanor pretrial substance abuse education and
161 treatment intervention program; misdemeanor pretrial veterans'
162 treatment intervention program; misdemeanor pretrial mental
163 health court program.-

164 (1) (a) A person who is charged with a ~~nonviolent,~~
165 ~~nontraffic-related~~ misdemeanor and identified as having a
166 substance abuse problem ~~or who is charged with a misdemeanor for~~
167 ~~possession of a controlled substance or drug paraphernalia under~~
168 ~~chapter 893, prostitution under s. 796.07, possession of alcohol~~
169 ~~while under 21 years of age under s. 562.111, or possession of a~~
170 ~~controlled substance without a valid prescription under s.~~
171 ~~499.03,~~ and who has not previously been convicted of a felony,
172 is eligible for voluntary admission into a misdemeanor pretrial
173 substance abuse education and treatment intervention program,
174 including a treatment-based drug court program established

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175 pursuant to s. 397.334, approved by the chief judge of the
176 circuit, for a period based on the program requirements and the
177 treatment plan for the offender, upon motion of either party or
178 the court's own motion, except, if the state attorney believes
179 the facts and circumstances of the case suggest the defendant is
180 involved in dealing and selling controlled substances, the court
181 shall hold a preadmission hearing. If the state attorney
182 establishes, by a preponderance of the evidence at such hearing,
183 that the defendant was involved in dealing or selling controlled
184 substances, the court shall deny the defendant's admission into
185 the pretrial intervention program.

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

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