

By Senator Book

35-00335A-24

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1 A bill to be entitled
2 An act relating to pretrial intervention programs;
3 amending s. 948.08, F.S.; revising eligibility for
4 voluntary admission into pretrial substance abuse
5 education and treatment intervention programs to
6 exclude defendants who are charged with a sexual
7 offense; defining the term "sexual offense";
8 reenacting ss. 43.51(2), 394.47892(2), 397.334(5),
9 910.035(5)(a), 944.026(3)(b), and 948.036(1), F.S.,
10 relating to problem-solving court reports, mental
11 health court programs, treatment-based drug court
12 programs, transfer for participation in problem-
13 solving courts, community-based facilities and
14 programs, and work programs as a condition of court-
15 ordered community supervision, respectively, to
16 incorporate the amendment made to s. 948.08, F.S., in
17 references thereto; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Paragraph (b) of subsection (6) of section
22 948.08, Florida Statutes, is amended to read:

23 948.08 Pretrial intervention program.—

24 (6)

25 (b) Notwithstanding any provision of this section, a person
26 is eligible for voluntary admission into a pretrial substance
27 abuse education and treatment intervention program, including a
28 treatment-based drug court program established pursuant to s.
29 397.334, approved by the chief judge of the circuit, for a

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30 period to be determined by the court, based on the clinical
31 needs of the defendant, if he or she:

32 1. Is identified as having a substance abuse problem and is
33 amenable to treatment.

34 2. Is charged with a nonviolent felony.

35 3. Is not also charged with a crime involving violence,
36 including, but not limited to, murder, sexual battery, robbery,
37 carjacking, home-invasion robbery, or any other crime involving
38 violence.

39 4. Is not also charged with a sexual offense. As used in
40 this subparagraph, the term "sexual offense" includes, but is
41 not limited to, a violation of s. 787.06(3)(b), (d), (f), or
42 (g); chapter 794; chapter 800; chapter 827; s. 836.05; or
43 chapter 847.

44 5. Has two or fewer felony convictions, provided that the
45 prior convictions are for nonviolent felonies.

46 Section 2. For the purpose of incorporating the amendment
47 made by this act to section 948.08, Florida Statutes, in
48 references thereto, subsection (2) of section 43.51, Florida
49 Statutes, is reenacted to read:

50 43.51 Problem-solving court reports.—

51 (2) For purposes of this section, the term "problem-solving
52 court" includes, but is not limited to, a drug court pursuant to
53 s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s.
54 948.20; a veterans treatment court program pursuant to s.
55 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health
56 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.
57 948.08, or s. 948.16; a community court pursuant to s. 948.081;
58 or a delinquency pretrial intervention court program pursuant to

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59 s. 985.345.

60 Section 3. For the purpose of incorporating the amendment
61 made by this act to section 948.08, Florida Statutes, in a
62 reference thereto, subsection (2) of section 394.47892, Florida
63 Statutes, is reenacted to read:

64 394.47892 Mental health court programs.—

65 (2) Mental health court programs may include pretrial
66 intervention programs as provided in ss. 948.08, 948.16, and
67 985.345, postadjudicatory mental health court programs as
68 provided in ss. 948.01 and 948.06, and review of the status of
69 compliance or noncompliance of sentenced defendants through a
70 mental health court program.

71 Section 4. For the purpose of incorporating the amendment
72 made by this act to section 948.08, Florida Statutes, in a
73 reference thereto, subsection (5) of section 397.334, Florida
74 Statutes, is reenacted to read:

75 397.334 Treatment-based drug court programs.—

76 (5) Treatment-based drug court programs may include
77 pretrial intervention programs as provided in ss. 948.08,
78 948.16, and 985.345, treatment-based drug court programs
79 authorized in chapter 39, postadjudicatory programs as provided
80 in ss. 948.01, 948.06, and 948.20, and review of the status of
81 compliance or noncompliance of sentenced offenders through a
82 treatment-based drug court program. While enrolled in a
83 treatment-based drug court program, the participant is subject
84 to a coordinated strategy developed by a drug court team under
85 subsection (4). The coordinated strategy may include a protocol
86 of sanctions that may be imposed upon the participant for
87 noncompliance with program rules. The protocol of sanctions may

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88 include, but is not limited to, placement in a substance abuse
89 treatment program offered by a licensed service provider as
90 defined in s. 397.311 or in a jail-based treatment program or
91 serving a period of secure detention under chapter 985 if a
92 child or a period of incarceration within the time limits
93 established for contempt of court if an adult. The coordinated
94 strategy must be provided in writing to the participant before
95 the participant agrees to enter into a treatment-based drug
96 court program.

97 Section 5. For the purpose of incorporating the amendment
98 made by this act to section 948.08, Florida Statutes, in
99 references thereto, paragraph (a) of subsection (5) of section
100 910.035, Florida Statutes, is reenacted to read:

101 910.035 Transfer from county for plea, sentence, or
102 participation in a problem-solving court.-

103 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.-

104 (a) For purposes of this subsection, the term "problem-
105 solving court" means a drug court pursuant to s. 948.01, s.
106 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment
107 court program pursuant to s. 394.47891, s. 948.08, s. 948.16, or
108 s. 948.21; a mental health court program pursuant to s.
109 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; or a
110 delinquency pretrial intervention court program pursuant to s.
111 985.345.

112 Section 6. For the purpose of incorporating the amendment
113 made by this act to section 948.08, Florida Statutes, in a
114 reference thereto, paragraph (b) of subsection (3) of section
115 944.026, Florida Statutes, is reenacted to read:

116 944.026 Community-based facilities and programs.-

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117 (3)

118 (b) Pretrial intervention programs in appropriate counties
119 to provide early counseling and supervision services to
120 specified offenders as provided in s. 948.08.

121 Section 7. For the purpose of incorporating the amendment
122 made by this act to section 948.08, Florida Statutes, in a
123 reference thereto, subsection (1) of section 948.036, Florida
124 Statutes, is reenacted to read:

125 948.036 Work programs as a condition of probation,
126 community control, or other court-ordered community
127 supervision.—

128 (1) Whenever an offender is required by the court to
129 participate in any work program under the provisions of this
130 chapter, enters into the pretrial intervention program pursuant
131 to s. 948.08, or volunteers to work in a supervised work program
132 conducted by a specified state, county, municipal, or community
133 service organization or to work for the victim, either as an
134 alternative to monetary restitution or as a part of the
135 rehabilitative or community control program, the offender shall
136 be considered an employee of the state for the purposes of
137 chapter 440.

138 Section 8. This act shall take effect July 1, 2024.