THE
JUVENILE JUSTICE
COMMITTEE

ACTION PACKET

Wednesday, December 07, 2005
9:30 AM - 11:00 AM

Allan G. Bense
Speaker

Faye B. Culp
Chair

COMMITTEE MEETING REPORT

Juvenile Justice Committee

12/7/2005 9:15:00AM

Location: 214 Capitol

Attendance:

	Present	*Absent*	*Excused*
Faye Culp (Chair)	X		
Gustavo Barreiro	X		
Audrey Gibson	X		
Matthew Meadows	X		
Mitch Needelman	X		
Frank Peterman	X		
Anthony Traviesa	X		
Totals:	**7**	**0**	**0**

Committee meeting was reported out: Wednesday, December 07, 2005 11:40:50AM

COMMITTEE MEETING REPORT

Juvenile Justice Committee

12/7/2005 9:15:00AM

Location: 214 Capitol

HB 175 CS : Drug Court Programs

[X] *Favorable With Committee Substitute -*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Gustavo Barreiro			X		
Audrey Gibson	X				
Matthew Meadows	X				
Mitch Needelman	X				
Frank Peterman			X		
Anthony Traviesa			X		
Faye Culp (Chair)	X				
	Total Yeas: 4	**Total Nays: 0**			

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **CS for HB 175**

COUNCIL/COMMITTEE ACTION

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WITHDRAWN	__	(Y/N)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

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1 Council/Committee hearing bill: Juvenile Justice Committee
2 Representative Adams offered the following:
3
4 **Amendment (with title amendment)**
5 Remove lines 317-324 and insert:
6
7 may be imposed upon the participant for noncompliance with
8 program rules. The protocol of sanctions for treatment-based
9 drug court programs may include, but is not limited to,
10 placement in a substance abuse treatment program offered by a
11 licensed service provider as defined in s. 397.311 or in a jail-
12 based treatment program, or serving a period of secure detention
13 under chapter 985 if a child or a period of incarceration within
14 the time limits established for contempt of court if an adult.
15 The coordinated
16
17 ========== T I T L E A M E N D M E N T ==========
18 Remove line 32 and insert:
19 requirements and sanctions, including treatment by specified
20 licensed service providers, jail-based treatment, secure
21 detention,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. **CS for HB 175**

COUNCIL/COMMITTEE ACTION

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

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1 Council/Committee hearing bill: Juvenile Justice Committee
2 Representative Adams offered the following:
3
4 **Amendment**
5 Remove lines 439-573 and insert:
6 sanctions that may be imposed upon the participant for
7 noncompliance with program rules. The protocol of sanctions may
8 include, but is not limited to, placement in a substance abuse
9 treatment program offered by a licensed service provider as
10 defined in s. 397.311 or in a jail-based treatment program, or
11 serving a period of incarceration within the time limits
12 established for contempt of court. The coordinated strategy must
13 be provided in writing to the participant before the participant
14 agrees to enter into a pretrial treatment-based drug court
15 program, or other pretrial intervention program.
16 (c) ~~(b)~~ At the end of the pretrial intervention period, the
17 court shall consider the recommendation of the administrator
18 pursuant to subsection (5) and the recommendation of the state
19 attorney as to disposition of the pending charges. The court
20 shall determine, by written finding, whether the defendant has
21 successfully completed the pretrial intervention program.

22 ~~(c)1.~~ If the court finds that the defendant has not
23 successfully completed the pretrial intervention program, the
24 court may order the person to continue in education and
25 treatment, which may include substance abuse treatment programs
26 offered by licensed service providers as defined in s. 397.311
27 or jail-based treatment programs, or order that the charges
28 revert to normal channels for prosecution.
29 ~~2.~~ The court shall dismiss the charges upon a finding that
30 the defendant has successfully completed the pretrial
31 intervention program.
32 (d) Any entity, whether public or private, providing a
33 pretrial substance abuse education and treatment intervention
34 program under this subsection must contract with the county or
35 appropriate governmental entity, and the terms of the contract
36 must include, but need not be limited to, the requirements
37 established for private entities under s. 948.15(3).
38 ~~(7) The chief judge in each circuit may appoint an~~
39 ~~advisory committee for the pretrial intervention program~~
40 ~~composed of the chief judge or his or her designee, who shall~~
41 ~~serve as chair; the state attorney, the public defender, and the~~
42 ~~program administrator, or their designees; and such other~~
43 ~~persons as the chair deems appropriate. The advisory committee~~
44 ~~may not designate any defendant eligible for a pretrial~~
45 ~~intervention program for any offense that is not listed under~~
46 ~~paragraph (6)(a) without the state attorney's recommendation and~~
47 ~~approval. The committee may also include persons representing~~
48 ~~any other agencies to which persons released to the pretrial~~
49 ~~intervention program may be referred.~~
50 (7) ~~(8)~~ The department may contract for the services and
51 facilities necessary to operate pretrial intervention programs.

52 Section 10. Section 948.16, Florida Statutes, is amended
53 to read:
54 948.16 Misdemeanor pretrial substance abuse education and
55 treatment intervention program.--
56 (1)(a) A person who is charged with a misdemeanor for
57 possession of a controlled substance or drug paraphernalia under
58 chapter 893, and who has not previously been convicted of a
59 felony nor been admitted to a pretrial program, is eligible for
60 voluntary admission into a misdemeanor pretrial substance abuse
61 education and treatment intervention program, including a
62 treatment-based drug court program established pursuant to s.
63 397.334, approved by the chief judge of the circuit, for a
64 period based on the program requirements and the treatment plan
65 for the offender, upon motion of either party or the court's own
66 motion, except, if the state attorney believes the facts and
67 circumstances of the case suggest the defendant is involved in
68 dealing and selling controlled substances, the court shall hold
69 a preadmission hearing. If the state attorney establishes, by a
70 preponderance of the evidence at such hearing, that the
71 defendant was involved in dealing or selling controlled
72 substances, the court shall deny the defendant's admission into
73 the pretrial intervention program.
74 (b) While enrolled in a pretrial intervention program
75 authorized by this section, the participant is subject to a
76 coordinated strategy developed by a drug court team under s.
77 397.334(3). The coordinated strategy may include a protocol of
78 sanctions that may be imposed upon the participant for
79 noncompliance with program rules. The protocol of sanctions may
80 include, but is not limited to, placement in a substance abuse
81 treatment program offered by a licensed service provider as
82 defined in s. 397.311 or in a jail-based treatment program, or

83 serving a period of incarceration within the time limits
84 established for contempt of court. The coordinated strategy must
85 be provided in writing to the participant before the participant
86 agrees to enter into a pretrial treatment-based drug court
87 program, or other pretrial intervention program.
88 (2) At the end of the pretrial intervention period, the
89 court shall consider the recommendation of the treatment program
90 and the recommendation of the state attorney as to disposition
91 of the pending charges. The court shall determine, by written
92 finding, whether the defendant successfully completed the
93 pretrial intervention program.
94 ~~(a)~~ If the court finds that the defendant has not
95 successfully completed the pretrial intervention program, the
96 court may order the person to continue in education and
97 treatment or return the charges to the criminal docket for
98 prosecution.
99 ~~(b)~~ The court shall dismiss the charges upon finding that
100 the defendant has successfully completed the pretrial
101 intervention program.
102 (3) Any public or private entity providing a pretrial
103 substance abuse education and treatment program under this
104 section shall contract with the county or appropriate
105 governmental entity. The terms of the contract shall include,
106 but not be limited to, the requirements established for private
107 entities under s. 948.15(3).
108 Section 11. Section 985.306, Florida Statutes, is amended
109 to read:
110 985.306 Delinquency pretrial intervention program.--
111 (1)~~(a)~~ Notwithstanding any provision of law to the
112 contrary, a child who is charged ~~under chapter 893~~ with a felony
113 of the second or third degree for purchase or possession of a

114 controlled substance under chapter 893; tampering with evidence;
115 solicitation for purchase of a controlled substance; or
116 obtaining a prescription by fraud, and who has not previously
117 been adjudicated for a felony ~~nor been admitted to a delinquency~~
118 ~~pretrial intervention program under this section~~, is eligible
119 for voluntary admission into a delinquency pretrial substance
120 abuse education and treatment intervention program, including a
121 treatment-based drug court program established pursuant to s.
122 397.334, approved by the chief judge or alternative sanctions
123 coordinator of the circuit to the extent that funded programs
124 are available, for a period based on the program requirements
125 and the treatment services that are suitable for the offender ~~of~~
126 ~~not less than 1 year in duration~~, upon motion of either party or
127 the court's own motion. However, if the state attorney believes
128 that the facts and circumstances of the case suggest the child's
129 involvement in the dealing and selling of controlled substances,
130 the court shall hold a preadmission hearing. If the state
131 attorney establishes by a preponderance of the evidence at such
132 hearing that the child was involved in the dealing and selling
133 of controlled substances, the court shall deny the child's
134 admission into a delinquency pretrial intervention program.
135 (2) While enrolled in a delinquency pretrial intervention
136 program authorized by this section, a child is subject to a
137 coordinated strategy developed by a drug court team under s.
138 397.334(3). The coordinated strategy may include a protocol of
139 sanctions that may be imposed upon the child for noncompliance
140 with program rules. The protocol of sanctions may include, but
141 is not limited to, placement in a substance abuse treatment
142 program offered by a licensed service provider as defined in s.
143 397.311 or serving a period of secure detention under this
144 chapter. The coordinated strategy must be provided in

COMMITTEE MEETING REPORT

Juvenile Justice Committee

12/7/2005 9:15:00AM

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Other Business Appearance:

Alternatives to Detention
Roy Miller, President (General Public) - Information Only
Children's Campaign, Inc.
4871 East Tennessee Street
Tallahassee FL 32301
Phone: 850-425-2600

Department of Juvenile Justice's Staff Verification System
Linville Atkins, Assistant General Counsel (State Employee) (At Request Of Chair) - Information Only
Department of Juvenile Justice
2737 Centerview Drive
Tallahassee FL 32399
Phone: 850-487-8712

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Summary:

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