

By the Committee on Criminal Justice; and Senator Book

591-02965-24

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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 specified
7 offenses; reenacting ss. 43.51(2), 394.47892(2),
8 397.334(5), 910.035(5)(a), 944.026(3)(b), and
9 948.036(1), F.S., relating to problem-solving court
10 reports, mental health court programs, treatment-based
11 drug court programs, transfer for participation in
12 problem-solving courts, community-based facilities and
13 programs, and work programs as a condition of court-
14 ordered community supervision, respectively, to
15 incorporate the amendment made to s. 948.08, F.S., in
16 references thereto; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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

22 948.08 Pretrial intervention program.—

23 (6)

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

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30 needs of the defendant, if he or she:

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

33 2. Is charged with a nonviolent felony.

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

38 4. Is not also charged with any offense listed in s. 775.21
39 or s. 943.0435, or in s. 836.05(1) if that subsection was
40 violated with sexual intent or motive.

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

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

47 43.51 Problem-solving court reports.—

48 (2) For purposes of this section, the term "problem-solving
49 court" includes, but is not limited to, a drug court pursuant to
50 s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s.
51 948.20; a veterans treatment court program pursuant to s.
52 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health
53 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.
54 948.08, or s. 948.16; a community court pursuant to s. 948.081;
55 or a delinquency pretrial intervention court program pursuant to
56 s. 985.345.

57 Section 3. For the purpose of incorporating the amendment
58 made by this act to section 948.08, Florida Statutes, in a

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59 reference thereto, subsection (2) of section 394.47892, Florida
60 Statutes, is reenacted to read:

61 394.47892 Mental health court programs.—

62 (2) Mental health court programs may include pretrial
63 intervention programs as provided in ss. 948.08, 948.16, and
64 985.345, postadjudicatory mental health court programs as
65 provided in ss. 948.01 and 948.06, and review of the status of
66 compliance or noncompliance of sentenced defendants through a
67 mental health court program.

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

72 397.334 Treatment-based drug court programs.—

73 (5) Treatment-based drug court programs may include
74 pretrial intervention programs as provided in ss. 948.08,
75 948.16, and 985.345, treatment-based drug court programs
76 authorized in chapter 39, postadjudicatory programs as provided
77 in ss. 948.01, 948.06, and 948.20, and review of the status of
78 compliance or noncompliance of sentenced offenders through a
79 treatment-based drug court program. While enrolled in a
80 treatment-based drug court program, the participant is subject
81 to a coordinated strategy developed by a drug court team under
82 subsection (4). The coordinated strategy may include a protocol
83 of sanctions that may be imposed upon the participant for
84 noncompliance with program rules. The protocol of sanctions may
85 include, but is not limited to, placement in a substance abuse
86 treatment program offered by a licensed service provider as
87 defined in s. 397.311 or in a jail-based treatment program or

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88 serving a period of secure detention under chapter 985 if a
89 child or a period of incarceration within the time limits
90 established for contempt of court if an adult. The coordinated
91 strategy must be provided in writing to the participant before
92 the participant agrees to enter into a treatment-based drug
93 court program.

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

98 910.035 Transfer from county for plea, sentence, or
99 participation in a problem-solving court.—

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

101 (a) For purposes of this subsection, the term "problem-
102 solving court" means a drug court pursuant to s. 948.01, s.
103 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment
104 court program pursuant to s. 394.47891, s. 948.08, s. 948.16, or
105 s. 948.21; a mental health court program pursuant to s.
106 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; or a
107 delinquency pretrial intervention court program pursuant to s.
108 985.345.

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

113 944.026 Community-based facilities and programs.—

114 (3)

115 (b) Pretrial intervention programs in appropriate counties
116 to provide early counseling and supervision services to

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117 specified offenders as provided in s. 948.08.

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

122 948.036 Work programs as a condition of probation,
123 community control, or other court-ordered community
124 supervision.—

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

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