



239130

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2015	.	
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The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 394.47891, Florida Statutes, is amended
to read:

394.47891 Military veterans and servicemembers court
programs.—The chief judge of each judicial circuit may establish
a Military Veterans and Servicemembers Court Program under which
veterans, as defined in s. 1.01, including veterans who were



11 discharged or released under a general discharge, and
12 servicemembers, as defined in s. 250.01, who are convicted of a
13 criminal offense and who suffer from a military-related mental
14 illness, traumatic brain injury, substance abuse disorder, or
15 psychological problem can be sentenced in accordance with
16 chapter 921 in a manner that appropriately addresses the
17 severity of the mental illness, traumatic brain injury,
18 substance abuse disorder, or psychological problem through
19 services tailored to the individual needs of the participant.
20 Entry into any Military Veterans and Servicemembers Court
21 Program must be based upon the sentencing court's assessment of
22 the defendant's criminal history, military service, substance
23 abuse treatment needs, mental health treatment needs,
24 amenability to the services of the program, the recommendation
25 of the state attorney and the victim, if any, and the
26 defendant's agreement to enter the program.

27 Section 2. Section 394.47892, Florida Statutes, is created
28 to read:

29 394.47892 Treatment-based mental health court programs.-

30 (1) Each county may fund a treatment-based mental health
31 court program under which persons in the justice system assessed
32 with a mental illness will be processed in such a manner as to
33 appropriately address the severity of the identified mental
34 health problem through treatment services tailored to the
35 individual needs of the participant. The Legislature intends to
36 encourage the Department of Corrections, the Department of
37 Children and Families, the Department of Juvenile Justice, the
38 Department of Health, the Department of Law Enforcement, the
39 Department of Education, and such agencies, local governments,



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40 law enforcement agencies, other interested public or private
41 sources, and individuals to support the creation and
42 establishment of these problem-solving court programs.
43 Participation in the treatment-based mental health court
44 programs does not divest any public or private agency of its
45 responsibility for a child or adult, but enables these agencies
46 to better meet their needs through shared responsibility and
47 resources.

48 (2) Entry into any pretrial treatment-based mental health
49 court program is voluntary.

50 (3) (a) Entry into any postadjudicatory treatment-based
51 mental health court program as a condition of probation or
52 community control pursuant to s. 948.01 or s. 948.06 must be
53 based upon the sentencing court's assessment of the defendant's
54 criminal history, mental health screening outcome, amenability
55 to the services of the program, the recommendation of the state
56 attorney and the victim, if any, and the defendant's agreement
57 to enter the program.

58 (b) An offender who is sentenced to a postadjudicatory
59 treatment-based mental health court program and who, while a
60 mental health court program participant, is the subject of a
61 violation of probation or community control under s. 948.06
62 shall have the violation of probation or community control heard
63 by the judge presiding over the postadjudicatory treatment-based
64 mental health court program. The judge shall dispose of any such
65 violation, after a hearing on or admission of the violation, as
66 he or she deems appropriate if the resulting sentence or
67 conditions are lawful.

68 (4) Treatment-based mental health court programs may



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69 include pretrial intervention programs as provided in s. 948.08,
70 treatment-based mental health court programs authorized in
71 chapter 39, postadjudicatory programs as provided in ss. 948.01
72 and 948.06, and review of the status of compliance or
73 noncompliance of sentenced offenders through a treatment-based
74 mental health court program.

75 (5) Contingent upon an annual appropriation by the
76 Legislature, each judicial circuit with a treatment-based mental
77 health court program shall establish, at a minimum, one
78 coordinator position for the treatment-based mental health court
79 program within the state courts system to coordinate the
80 responsibilities of the participating agencies and service
81 providers. Each coordinator shall provide direct support to the
82 treatment-based mental health court program by providing
83 coordination between the multidisciplinary team and the
84 judiciary, providing case management, monitoring compliance of
85 the participants in the treatment-based mental health court
86 program with court requirements, and providing program
87 evaluation and accountability.

88 (6) If a county chooses to fund a treatment-based mental
89 health court program, the county must secure funding from
90 sources other than the state for those costs not otherwise
91 assumed by the state pursuant to s. 29.004. However, this does
92 not preclude a county from using treatment and other service
93 funding provided through state executive branch agencies.
94 Counties may provide, by interlocal agreement, for the
95 collective funding of these programs.

96 (7) The chief judge of each judicial circuit may appoint an
97 advisory committee for the treatment-based mental health court



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98 program. The committee shall be composed of the chief judge, or
99 his or her designee, who shall serve as chair; the judge of the
100 treatment-based mental health court program, if not otherwise
101 designated by the chief judge as his or her designee; the state
102 attorney, or his or her designee; the public defender, or his or
103 her designee; the treatment-based mental health court program
104 coordinators; community representatives; treatment
105 representatives; and any other persons the chair finds are
106 appropriate.

107 Section 3. Section 394.656, Florida Statutes, is amended to
108 read:

109 394.656 Criminal Justice, Mental Health, and Substance
110 Abuse Reinvestment Grant Program.—

111 (1) There is created within the Department of Children and
112 Families the Criminal Justice, Mental Health, and Substance
113 Abuse Reinvestment Grant Program. The purpose of the program is
114 to provide funding to counties with which they can plan,
115 implement, or expand initiatives that increase public safety,
116 avert increased spending on criminal justice, and improve the
117 accessibility and effectiveness of treatment services for adults
118 and juveniles who have a mental illness, substance abuse
119 disorder, or co-occurring mental health and substance abuse
120 disorders and who are in, or at risk of entering, the criminal
121 or juvenile justice systems.

122 (2) The department shall establish a Criminal Justice,
123 Mental Health, and Substance Abuse Statewide Grant Review
124 Committee. The committee shall include:

125 (a) One representative of the Department of Children and
126 Families;



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- 127 (b) One representative of the Department of Corrections;
128 (c) One representative of the Department of Juvenile
129 Justice;
130 (d) One representative of the Department of Elderly
131 Affairs; ~~and~~
132 (e) One representative of the Office of the State Courts
133 Administrator;
134 (f) One representative of the Department of Veterans'
135 Affairs;
136 (g) One representative of the Florida Sheriffs Association;
137 (h) One representative of the Florida Police Chiefs
138 Association;
139 (i) One representative of the Florida Association of
140 Counties;
141 (j) One representative of the Florida Alcohol and Drug
142 Abuse Association; and
143 (k) One representative from the Florida Council for
144 Community Mental Health.

145
146 The committee shall serve as the advisory body to review policy
147 and funding issues that help reduce the impact of persons with
148 mental illness and substance abuse disorders on communities and
149 the court system. The committee shall advise the department in
150 selecting priorities for applying and reviewing grants and
151 investing awarded grant moneys.

152 (3) In addition to the committee established pursuant to
153 subsection (2), the department shall create a grant review and
154 selection committee. To the extent possible, the members of the
155 grant review and selection committee shall have expertise in the



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156 content areas relating to grant applications, including, but not
157 limited to, substance abuse and mental health disorders,
158 community corrections, and law enforcement. In addition, members
159 shall have experience in ~~grant writing,~~ grant reviewing, and
160 grant application scoring.

161 (4) (a) ~~(3) (a)~~ A county, or a not-for-profit community
162 provider designated by a local county planning council or
163 committee described in s. 394.657, may apply for a ~~1-year~~
164 ~~planning grant or a~~ 3-year implementation or expansion grant.
165 The purpose of the grants is to demonstrate that investment in
166 treatment efforts related to mental illness, substance abuse
167 disorders, or co-occurring mental health and substance abuse
168 disorders results in a reduced demand on the resources of the
169 judicial, corrections, juvenile detention, and health and social
170 services systems.

171 (b) To be eligible to receive a ~~1-year planning grant or a~~
172 3-year implementation or expansion grant, a county applicant
173 must have a county planning council or committee that is in
174 compliance with the membership requirements set forth in this
175 section.

176 (5) ~~(4)~~ The Criminal Justice, Mental Health, and Substance
177 Abuse Statewide Grant Review Committee shall notify the
178 Department of Children and Families in writing of the names of
179 the applicants who have been selected by the committee to
180 receive a grant. Contingent upon the availability of funds and
181 upon notification by the ~~review~~ committee of those applicants
182 approved to receive ~~planning,~~ implementation, or expansion
183 grants, the Department of Children and Families may transfer
184 funds appropriated for the grant program to an approved



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185 applicant any county awarded a grant.

186 Section 4. Present paragraphs (b) through (g) of subsection
187 (7) of section 394.9082, Florida Statutes, are redesignated as
188 paragraphs (c) through (h), respectively, a new paragraph (b) is
189 added to that subsection, present paragraphs (c) and (d) of that
190 subsection are amended, present subsections (10) and (11) of
191 that section are redesignated as subsections (11) and (12),
192 respectively, and a new subsection (10) is added to that
193 section, to read:

194 394.9082 Behavioral health managing entities.—

195 (7) MANAGING ENTITY REQUIREMENTS.—The department may adopt
196 rules and standards and a process for the qualification and
197 operation of managing entities which are based, in part, on the
198 following criteria:

199 (b) The managing entity shall support network providers to
200 offer comprehensive and coordinated care to all persons in need,
201 but may develop a prioritization framework when necessary to
202 make the best use of limited resources. Priority populations
203 include:

204 1. Individuals in crisis stabilization units who are on the
205 waitlist for placement in a state treatment facility;

206 2. Individuals in state treatment facilities on the
207 waitlist for community care;

208 3. Parents or caretakers with child welfare involvement;

209 4. Individuals with multiple arrests and incarceration as a
210 result of their behavioral health condition; and

211 5. Individuals with behavioral health disorders and
212 comorbidities consistent with the characteristics of patients in
213 the region's population of behavioral health service users who



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214 account for a disproportionately high percentage of service
215 expenditures.

216 (d)~~(e)~~ A managing entity must submit a network management
217 plan and budget in a form and manner determined by the
218 department. The plan must detail the means for implementing the
219 duties to be contracted to the managing entity and the
220 efficiencies to be anticipated by the department as a result of
221 executing the contract. The department may require modifications
222 to the plan and must approve the plan before contracting with a
223 managing entity. The department may contract with a managing
224 entity that demonstrates readiness to assume core functions, and
225 may continue to add functions and responsibilities to the
226 managing entity's contract over time as additional competencies
227 are developed as identified in paragraph (h) ~~(g)~~.

228 Notwithstanding other provisions of this section, the department
229 may continue and expand managing entity contracts if the
230 department determines that the managing entity meets the
231 requirements specified in this section.

232 (e)~~(d)~~ Notwithstanding paragraphs (c) ~~(b)~~ and (d) ~~(e)~~, a
233 managing entity that is currently a fully integrated system
234 providing mental health and substance abuse services, Medicaid,
235 and child welfare services is permitted to continue operating
236 under its current governance structure as long as the managing
237 entity can demonstrate to the department that consumers, other
238 stakeholders, and network providers are included in the planning
239 process.

240 (10) CRISIS STABILIZATION SERVICES UTILIZATION DATABASE.—
241 The department shall develop, implement, and maintain standards
242 under which a managing entity shall collect utilization data



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243 from all public receiving facilities situated within its
244 geographic service area. As used in this subsection, the term
245 "public receiving facility" means an entity that meets the
246 licensure requirements of and is designated by the department to
247 operate as a public receiving facility under s. 394.875 and that
248 is operating as a licensed crisis stabilization unit.

249 (a) The department shall develop standards and protocols
250 for managing entities and public receiving facilities to use in
251 the collection, storage, transmittal, and analysis of data. The
252 standards and protocols must allow for compatibility of data and
253 data transmittal between public receiving facilities, managing
254 entities, and the department for the implementation and
255 requirements of this subsection. The department shall require
256 managing entities contracted under this section to comply with
257 this subsection by August 1, 2015.

258 (b) A managing entity shall require a public receiving
259 facility within its provider network to submit data to the
260 managing entity, in real time or at least daily, for:

261 1. All admissions and discharges of clients receiving
262 public receiving facility services who qualify as indigent, as
263 defined in s. 394.4787; and

264 2. Current active census of total licensed beds, the number
265 of beds purchased by the department, the number of clients
266 qualifying as indigent occupying those beds, and the total
267 number of unoccupied licensed beds regardless of funding.

268 (c) A managing entity shall require a public receiving
269 facility within its provider network to submit data, on a
270 monthly basis, to the managing entity which aggregates the daily
271 data submitted under paragraph (b). The managing entity shall



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272 reconcile the data in the monthly submission to the data
273 received by the managing entity under paragraph (b) to check for
274 consistency. If the monthly aggregate data submitted by a public
275 receiving facility under this paragraph is inconsistent with the
276 daily data submitted under paragraph (b), the managing entity
277 shall consult with the public receiving facility to make
278 corrections as necessary to ensure accurate data.

279 (d) A managing entity shall require a public receiving
280 facility within its provider network to submit data, on an
281 annual basis, to the managing entity which aggregates the data
282 submitted and reconciled under paragraph (c). The managing
283 entity shall reconcile the data in the annual submission to the
284 data received and reconciled by the managing entity under
285 paragraph (c) to check for consistency. If the annual aggregate
286 data submitted by a public receiving facility under this
287 paragraph is inconsistent with the data received and reconciled
288 under paragraph (c), the managing entity shall consult with the
289 public receiving facility to make corrections as necessary to
290 ensure accurate data.

291 (e) After ensuring accurate data under paragraphs (c) and
292 (d), the managing entity shall submit the data to the department
293 on a monthly and an annual basis. The department shall create a
294 statewide database for the data described under paragraph (b)
295 and submitted under this paragraph for the purpose of analyzing
296 the payments for and the use of crisis stabilization services
297 funded under the Baker Act on a statewide basis and on an
298 individual public receiving facility basis.

299 (f) The department shall adopt rules to administer this
300 subsection.



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301 (g) The department shall submit a report by January 31,
302 2016, and annually thereafter, to the Governor, the President of
303 the Senate, and the Speaker of the House of Representatives
304 which provides details on the implementation of this subsection,
305 including the status of the data collection process and a
306 detailed analysis of the data collected under this subsection.

307 (h) The implementation of this subsection is subject to
308 specific appropriations provided to the department under the
309 General Appropriations Act.

310 Section 5. Paragraph (e) is added to subsection (10) of
311 section 29.004, Florida Statutes, to read:

312 29.004 State courts system.—For purposes of implementing s.
313 14, Art. V of the State Constitution, the elements of the state
314 courts system to be provided from state revenues appropriated by
315 general law are as follows:

316 (10) Case management. Case management includes:

317 (e) Service referral, coordination, monitoring, and
318 tracking for treatment-based mental health court programs under
319 s. 394.47892.

320
321 Case management may not include costs associated with the
322 application of therapeutic jurisprudence principles by the
323 courts. Case management also may not include case intake and
324 records management conducted by the clerk of court.

325 Section 6. Subsection (6) of section 39.001, Florida
326 Statutes, is amended to read:

327 39.001 Purposes and intent; personnel standards and
328 screening.—

329 (6) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.—



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330 (a) The Legislature recognizes that early referral and
331 comprehensive treatment can help combat mental illnesses and
332 substance abuse disorders in families and that treatment is
333 cost-effective.

334 (b) The Legislature establishes the following goals for the
335 state related to mental illness and substance abuse treatment
336 services in the dependency process:

337 1. To ensure the safety of children.

338 2. To prevent and remediate the consequences of mental
339 illnesses and substance abuse disorders on families involved in
340 protective supervision or foster care and reduce the occurrences
341 of mental illnesses and substance abuse disorders, including
342 alcohol abuse or related disorders, for families who are at risk
343 of being involved in protective supervision or foster care.

344 3. To expedite permanency for children and reunify healthy,
345 intact families, when appropriate.

346 4. To support families in recovery.

347 (c) The Legislature finds that children in the care of the
348 state's dependency system need appropriate health care services,
349 that the impact of mental illnesses and substance abuse
350 disorders on health indicates the need for health care services
351 to include treatment for mental health and substance abuse
352 disorders ~~services~~ to children and parents where appropriate,
353 and that it is in the state's best interest that such children
354 be provided the services they need to enable them to become and
355 remain independent of state care. In order to provide these
356 services, the state's dependency system must have the ability to
357 identify and provide appropriate intervention and treatment for
358 children with personal or family-related mental illness and



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359 substance abuse problems.

360 (d) It is the intent of the Legislature to encourage the
361 use of the treatment-based mental health court program model
362 established by s. 394.47892 and drug court program model
363 established by s. 397.334 and authorize courts to assess
364 children and persons who have custody or are requesting custody
365 of children where good cause is shown to identify and address
366 mental illnesses and substance abuse disorders ~~problems~~ as the
367 court deems appropriate at every stage of the dependency
368 process. Participation in treatment, including a treatment-based
369 mental health court program or a treatment-based drug court
370 program, may be required by the court following adjudication.
371 Participation in assessment and treatment before ~~prior to~~
372 adjudication is shall be voluntary, except as provided in s.
373 39.407(16).

374 (e) It is therefore the purpose of the Legislature to
375 provide authority for the state to contract with mental health
376 service providers and community substance abuse treatment
377 providers for the development and operation of specialized
378 support and overlay services for the dependency system, which
379 will be fully implemented and used as resources permit.

380 (f) Participation in a treatment-based mental health court
381 program or a ~~the~~ treatment-based drug court program does not
382 divest any public or private agency of its responsibility for a
383 child or adult, but is intended to enable these agencies to
384 better meet their needs through shared responsibility and
385 resources.

386 Section 7. Subsection (10) of section 39.507, Florida
387 Statutes, is amended to read:



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388 39.507 Adjudicatory hearings; orders of adjudication.—
389 (10) After an adjudication of dependency, or a finding of
390 dependency where adjudication is withheld, the court may order a
391 person who has custody or is requesting custody of the child to
392 submit to a mental health or substance abuse disorder assessment
393 or evaluation. The assessment or evaluation must be administered
394 by a qualified professional, as defined in s. 397.311. The court
395 may also require such person to participate in and comply with
396 treatment and services identified as necessary, including, when
397 appropriate and available, participation in and compliance with
398 a treatment-based mental health court program established under
399 s. 394.47892 or a treatment-based drug court program established
400 under s. 397.334. In addition to supervision by the department,
401 the court, including the treatment-based mental health court
402 program or treatment-based drug court program, may oversee the
403 progress and compliance with treatment by a person who has
404 custody or is requesting custody of the child. The court may
405 impose appropriate available sanctions for noncompliance upon a
406 person who has custody or is requesting custody of the child or
407 make a finding of noncompliance for consideration in determining
408 whether an alternative placement of the child is in the child's
409 best interests. Any order entered under this subsection may be
410 made only upon good cause shown. This subsection does not
411 authorize placement of a child with a person seeking custody,
412 other than the parent or legal custodian, who requires mental
413 health or substance abuse disorder treatment.

414 Section 8. Paragraph (b) of subsection (1) of section
415 39.521, Florida Statutes, is amended to read:

416 39.521 Disposition hearings; powers of disposition.—



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417 (1) A disposition hearing shall be conducted by the court,
418 if the court finds that the facts alleged in the petition for
419 dependency were proven in the adjudicatory hearing, or if the
420 parents or legal custodians have consented to the finding of
421 dependency or admitted the allegations in the petition, have
422 failed to appear for the arraignment hearing after proper
423 notice, or have not been located despite a diligent search
424 having been conducted.

425 (b) When any child is adjudicated by a court to be
426 dependent, the court having jurisdiction of the child has the
427 power by order to:

428 1. Require the parent and, when appropriate, the legal
429 custodian and the child to participate in treatment and services
430 identified as necessary. The court may require the person who
431 has custody or who is requesting custody of the child to submit
432 to a mental health or substance abuse disorder assessment or
433 evaluation. The assessment or evaluation must be administered by
434 a qualified professional, as defined in s. 397.311. The court
435 may also require such person to participate in and comply with
436 treatment and services identified as necessary, including, when
437 appropriate and available, participation in and compliance with
438 a treatment-based mental health court program established under
439 s. 394.47892 or treatment-based drug court program established
440 under s. 397.334. In addition to supervision by the department,
441 the court, including the treatment-based mental health court
442 program or treatment-based drug court program, may oversee the
443 progress and compliance with treatment by a person who has
444 custody or is requesting custody of the child. The court may
445 impose appropriate available sanctions for noncompliance upon a



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446 person who has custody or is requesting custody of the child or
447 make a finding of noncompliance for consideration in determining
448 whether an alternative placement of the child is in the child's
449 best interests. Any order entered under this subparagraph may be
450 made only upon good cause shown. This subparagraph does not
451 authorize placement of a child with a person seeking custody of
452 the child, other than the child's parent or legal custodian, who
453 requires mental health or substance abuse disorder treatment.

454 2. Require, if the court deems necessary, the parties to
455 participate in dependency mediation.

456 3. Require placement of the child either under the
457 protective supervision of an authorized agent of the department
458 in the home of one or both of the child's parents or in the home
459 of a relative of the child or another adult approved by the
460 court, or in the custody of the department. Protective
461 supervision continues until the court terminates it or until the
462 child reaches the age of 18, whichever date is first. Protective
463 supervision shall be terminated by the court whenever the court
464 determines that permanency has been achieved for the child,
465 whether with a parent, another relative, or a legal custodian,
466 and that protective supervision is no longer needed. The
467 termination of supervision may be with or without retaining
468 jurisdiction, at the court's discretion, and shall in either
469 case be considered a permanency option for the child. The order
470 terminating supervision by the department shall set forth the
471 powers of the custodian of the child and shall include the
472 powers ordinarily granted to a guardian of the person of a minor
473 unless otherwise specified. Upon the court's termination of
474 supervision by the department, no further judicial reviews are



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475 required, so long as permanency has been established for the
476 child.

477 Section 9. Paragraph (a) of subsection (7) of section
478 948.08, Florida Statutes, is amended to read:

479 948.08 Pretrial intervention program.—

480 (7) (a) Notwithstanding any provision of this section, a
481 person who is charged with a felony, other than a felony listed
482 in s. 948.06(8)(c), and identified as a veteran, as defined in
483 s. 1.01, including a veteran who was discharged or released
484 under a general discharge, or servicemember, as defined in s.
485 250.01, who suffers from a military service-related mental
486 illness, traumatic brain injury, substance abuse disorder, or
487 psychological problem, is eligible for voluntary admission into
488 a pretrial veterans' treatment intervention program approved by
489 the chief judge of the circuit, upon motion of either party or
490 the court's own motion, except:

491 1. If a defendant was previously offered admission to a
492 pretrial veterans' treatment intervention program at any time
493 before trial and the defendant rejected that offer on the
494 record, the court may deny the defendant's admission to such a
495 program.

496 2. If a defendant previously entered a court-ordered
497 veterans' treatment program, the court may deny the defendant's
498 admission into the pretrial veterans' treatment program.

499 Section 10. Paragraph (a) of subsection (2) of section
500 948.16, Florida Statutes, is amended to read:

501 948.16 Misdemeanor pretrial substance abuse education and
502 treatment intervention program; misdemeanor pretrial veterans'
503 treatment intervention program.—



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504 (2) (a) A veteran, as defined in s. 1.01, including a
505 veteran who was discharged or released under a general
506 discharge, or servicemember, as defined in s. 250.01, who
507 suffers from a military service-related mental illness,
508 traumatic brain injury, substance abuse disorder, or
509 psychological problem, and who is charged with a misdemeanor is
510 eligible for voluntary admission into a misdemeanor pretrial
511 veterans' treatment intervention program approved by the chief
512 judge of the circuit, for a period based on the program's
513 requirements and the treatment plan for the offender, upon
514 motion of either party or the court's own motion. However, the
515 court may deny the defendant admission into a misdemeanor
516 pretrial veterans' treatment intervention program if the
517 defendant has previously entered a court-ordered veterans'
518 treatment program.

519 Section 11. Section 948.21, Florida Statutes, is amended to
520 read:

521 948.21 Condition of probation or community control;
522 military servicemembers and veterans.-

523 (1) Effective for a probationer or community controllee
524 whose crime was committed on or after July 1, 2012, and who is a
525 veteran, as defined in s. 1.01, or servicemember, as defined in
526 s. 250.01, who suffers from a military service-related mental
527 illness, traumatic brain injury, substance abuse disorder, or
528 psychological problem, the court may, in addition to any other
529 conditions imposed, impose a condition requiring the probationer
530 or community controllee to participate in a treatment program
531 capable of treating the probationer or community controllee's
532 mental illness, traumatic brain injury, substance abuse



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533 disorder, or psychological problem.

534 (2) Effective for a probationer or community controllee
535 whose crime was committed on or after July 1, 2015, and who is a
536 veteran, as defined in s. 1.01, including a veteran who was
537 discharged or released under a general discharge, or a
538 servicemember, as defined in s. 250.01, who suffers from a
539 military service-related mental illness, traumatic brain injury,
540 substance abuse disorder, or psychological problem, the court
541 may impose, in addition to any other conditions imposed, a
542 condition requiring the probationer or community controllee to
543 participate in a treatment program established to treat the
544 probationer or community controllee's mental illness, traumatic
545 brain injury, substance abuse disorder, or psychological
546 problem.

547 (3) The court shall give preference to treatment programs
548 for which the probationer or community controllee is eligible
549 through the United States Department of Veterans Affairs or the
550 Florida Department of Veterans' Affairs. The Department of
551 Corrections is not required to spend state funds to implement
552 this section.

553 Section 12. The Agency for Health Care Administration shall
554 apply to the United States Department of Health and Human
555 Services for a planning grant and any other subsequent grant
556 programs that become available through s. 203 of the federal
557 Protecting Access to Medicare Act of 2014, Pub. L. No. 113-93,
558 and that create opportunity to improve access to community
559 mental health services while improving Medicaid reimbursement
560 rates for such services. The agency shall collaborate with the
561 Department of Children and Families in preparing the state's



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562 application for submission.

563 Section 13. This act shall take effect July 1, 2015.

564

565 ===== T I T L E A M E N D M E N T =====

566 And the title is amended as follows:

567 Delete everything before the enacting clause

568 and insert:

569 A bill to be entitled

570 An act relating to behavioral health services;

571 amending s. 394.47891, F.S.; expanding eligibility

572 criteria for military veterans and servicemembers

573 court programs; creating s. 394.47892, F.S.;

574 authorizing counties to fund treatment-based mental

575 health court programs; providing legislative intent;

576 providing that pretrial program participation is

577 voluntary; specifying criteria that a court must

578 consider before sentencing a person to a

579 postadjudicatory treatment-based mental health court

580 program; requiring a judge presiding over a

581 postadjudicatory treatment-based mental health court

582 program to hear a violation of probation or community

583 control under certain circumstances; providing that

584 treatment-based mental health court programs may

585 include specified programs; requiring a judicial

586 circuit with a treatment-based mental health court

587 program to establish a coordinator position, subject

588 to annual appropriation by the Legislature; providing

589 county funding requirements for treatment-based mental

590 health court programs; authorizing the chief judge of



591 a judicial circuit to appoint an advisory committee
592 for the treatment-based mental health court program;
593 specifying membership of the committee; amending s.
594 394.656, F.S.; revising the composition and duties of
595 the Criminal Justice, Mental Health, and Substance
596 Abuse Statewide Grant Review Committee within the
597 Department of Children and Families; requiring the
598 department to create a grant review and selection
599 committee; prescribing duties of the committee;
600 authorizing a designated not-for-profit community
601 provider to apply for certain grants; amending s.
602 394.9082, F.S.; requiring the managing entity to
603 support network providers in offering comprehensive
604 and coordinated care to certain populations;
605 specifying what constitutes priority populations;
606 defining the term "public receiving facility";
607 requiring the department to establish specified
608 standards and protocols with respect to the
609 administration of the crisis stabilization services
610 utilization database; directing managing entities to
611 require public receiving facilities to submit
612 utilization data on a periodic basis; providing
613 requirements for the data; requiring managing entities
614 to periodically submit aggregate data to the
615 department; requiring the department to adopt rules;
616 requiring the department to annually submit a report
617 to the Governor and the Legislature; prescribing
618 report requirements; specifying that implementation of
619 the database is contingent upon an appropriation;



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620 amending ss. 29.004, 39.001, 39.507, and 39.521, F.S.;

621 conforming provisions to changes made by the act;

622 amending s. 948.08, F.S.; expanding the definition of

623 the term "veteran" for purposes of eligibility

624 requirements for a pretrial intervention program;

625 amending s. 948.16, F.S.; expanding the definition of

626 the term "veteran" for purposes of eligibility

627 requirements for a misdemeanor pretrial veterans'

628 treatment intervention program; amending s. 948.21,

629 F.S.; authorizing a court to impose certain conditions

630 on certain probationers or community controllees;

631 requiring the Agency for Health Care Administration to

632 submit a planning grant application to the United

633 States Department of Health and Human Services;

634 providing an effective date.

635

636 WHEREAS, Florida's residents with mental illnesses and

637 substance abuse disorders are best able to recover and become

638 productive citizens when served in their own communities and

639 surrounded by family and natural support systems, and

640 WHEREAS, untreated mental illnesses and substance abuse

641 disorders place a burden on the health care and public safety

642 system, and

643 WHEREAS, research has demonstrated that the delivery of

644 behavioral health services to treat mental illnesses and

645 substance abuse disorders are cost-effective and efficient, and

646 WHEREAS, the Legislature intends to ensure greater access

647 to behavioral health services by promoting the high quality,

648 adequacy, and availability of these essential services, NOW,



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649 | THEREFORE,