

By the Committee on Children, Families, and Elder Affairs; and
Senator Bradley

586-02543-15

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1 A bill to be entitled
2 An act relating to behavioral health services;
3 amending s. 394.47891, F.S.; expanding eligibility
4 criteria for military veterans and servicemembers
5 court programs; creating s. 394.47892, F.S.;
6 authorizing counties to fund treatment-based mental
7 health court programs; providing legislative intent;
8 providing that pretrial program participation is
9 voluntary; specifying criteria that a court must
10 consider before sentencing a person to a
11 postadjudicatory treatment-based mental health court
12 program; requiring a judge presiding over a
13 postadjudicatory treatment-based mental health court
14 program to hear a violation of probation or community
15 control under certain circumstances; providing that
16 treatment-based mental health court programs may
17 include specified programs; requiring a judicial
18 circuit with a treatment-based mental health court
19 program to establish a coordinator position, subject
20 to annual appropriation by the Legislature; providing
21 county funding requirements for treatment-based mental
22 health court programs; authorizing the chief judge of
23 a judicial circuit to appoint an advisory committee
24 for the treatment-based mental health court program;
25 specifying membership of the committee; amending s.
26 394.656, F.S.; revising the composition and duties of
27 the Criminal Justice, Mental Health, and Substance
28 Abuse Statewide Grant Review Committee within the
29 Department of Children and Families; requiring the

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30 department to create a grant review and selection
31 committee; prescribing duties of the committee;
32 authorizing a designated not-for-profit community
33 provider to apply for certain grants; amending s.
34 394.9082, F.S.; requiring the managing entity to
35 support network providers in offering comprehensive
36 and coordinated care to certain populations;
37 specifying what constitutes priority populations;
38 defining the term "public receiving facility";
39 requiring the department to establish specified
40 standards and protocols with respect to the
41 administration of the crisis stabilization services
42 utilization database; directing managing entities to
43 require public receiving facilities to submit
44 utilization data on a periodic basis; providing
45 requirements for the data; requiring managing entities
46 to periodically submit aggregate data to the
47 department; requiring the department to adopt rules;
48 requiring the department to annually submit a report
49 to the Governor and the Legislature; prescribing
50 report requirements; specifying that implementation of
51 the database is contingent upon an appropriation;
52 amending ss. 29.004, 39.001, 39.507, and 39.521, F.S.;
53 conforming provisions to changes made by the act;
54 amending s. 948.08, F.S.; expanding the definition of
55 the term "veteran" for purposes of eligibility
56 requirements for a pretrial intervention program;
57 amending s. 948.16, F.S.; expanding the definition of
58 the term "veteran" for purposes of eligibility

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59 requirements for a misdemeanor pretrial veterans'
60 treatment intervention program; amending s. 948.21,
61 F.S.; authorizing a court to impose certain conditions
62 on certain probationers or community controllees;
63 requiring the Agency for Health Care Administration to
64 submit a planning grant application to the United
65 States Department of Health and Human Services;
66 providing an effective date.

67
68 WHEREAS, Florida's residents with mental illnesses and
69 substance abuse disorders are best able to recover and become
70 productive citizens when served in their own communities and
71 surrounded by family and natural support systems, and

72 WHEREAS, untreated mental illnesses and substance abuse
73 disorders place a burden on the health care and public safety
74 system, and

75 WHEREAS, research has demonstrated that the delivery of
76 behavioral health services to treat mental illnesses and
77 substance abuse disorders are cost-effective and efficient, and

78 WHEREAS, the Legislature intends to ensure greater access
79 to behavioral health services by promoting the high quality,
80 adequacy, and availability of these essential services, NOW,
81 THEREFORE,

82

83 Be It Enacted by the Legislature of the State of Florida:

84

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

87 394.47891 Military veterans and servicemembers court

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88 programs.—The chief judge of each judicial circuit may establish
89 a Military Veterans and Servicemembers Court Program under which
90 veterans, as defined in s. 1.01, including veterans who were
91 discharged or released under a general discharge, and
92 servicemembers, as defined in s. 250.01, who are convicted of a
93 criminal offense and who suffer from a military-related mental
94 illness, traumatic brain injury, substance abuse disorder, or
95 psychological problem can be sentenced in accordance with
96 chapter 921 in a manner that appropriately addresses the
97 severity of the mental illness, traumatic brain injury,
98 substance abuse disorder, or psychological problem through
99 services tailored to the individual needs of the participant.
100 Entry into any Military Veterans and Servicemembers Court
101 Program must be based upon the sentencing court's assessment of
102 the defendant's criminal history, military service, substance
103 abuse treatment needs, mental health treatment needs,
104 amenability to the services of the program, the recommendation
105 of the state attorney and the victim, if any, and the
106 defendant's agreement to enter the program.

107 Section 2. Section 394.47892, Florida Statutes, is created
108 to read:

109 394.47892 Treatment-based mental health court programs.—

110 (1) Each county may fund a treatment-based mental health
111 court program under which persons in the justice system assessed
112 with a mental illness will be processed in such a manner as to
113 appropriately address the severity of the identified mental
114 health problem through treatment services tailored to the
115 individual needs of the participant. The Legislature intends to
116 encourage the Department of Corrections, the Department of

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117 Children and Families, the Department of Juvenile Justice, the
118 Department of Health, the Department of Law Enforcement, the
119 Department of Education, and such agencies, local governments,
120 law enforcement agencies, other interested public or private
121 sources, and individuals to support the creation and
122 establishment of these problem-solving court programs.
123 Participation in the treatment-based mental health court
124 programs does not divest any public or private agency of its
125 responsibility for a child or adult, but enables these agencies
126 to better meet their needs through shared responsibility and
127 resources.

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

130 (3) (a) Entry into any postadjudicatory treatment-based
131 mental health court program as a condition of probation or
132 community control pursuant to s. 948.01 or s. 948.06 must be
133 based upon the sentencing court's assessment of the defendant's
134 criminal history, mental health screening outcome, amenability
135 to the services of the program, the recommendation of the state
136 attorney and the victim, if any, and the defendant's agreement
137 to enter the program.

138 (b) An offender who is sentenced to a postadjudicatory
139 treatment-based mental health court program and who, while a
140 mental health court program participant, is the subject of a
141 violation of probation or community control under s. 948.06
142 shall have the violation of probation or community control heard
143 by the judge presiding over the postadjudicatory treatment-based
144 mental health court program. The judge shall dispose of any such
145 violation, after a hearing on or admission of the violation, as

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146 he or she deems appropriate if the resulting sentence or
147 conditions are lawful.

148 (4) Treatment-based mental health court programs may
149 include pretrial intervention programs as provided in s. 948.08,
150 treatment-based mental health court programs authorized in
151 chapter 39, postadjudicatory programs as provided in ss. 948.01
152 and 948.06, and review of the status of compliance or
153 noncompliance of sentenced offenders through a treatment-based
154 mental health court program.

155 (5) Contingent upon an annual appropriation by the
156 Legislature, each judicial circuit with a treatment-based mental
157 health court program shall establish, at a minimum, one
158 coordinator position for the treatment-based mental health court
159 program within the state courts system to coordinate the
160 responsibilities of the participating agencies and service
161 providers. Each coordinator shall provide direct support to the
162 treatment-based mental health court program by providing
163 coordination between the multidisciplinary team and the
164 judiciary, providing case management, monitoring compliance of
165 the participants in the treatment-based mental health court
166 program with court requirements, and providing program
167 evaluation and accountability.

168 (6) If a county chooses to fund a treatment-based mental
169 health court program, the county must secure funding from
170 sources other than the state for those costs not otherwise
171 assumed by the state pursuant to s. 29.004. However, this does
172 not preclude a county from using treatment and other service
173 funding provided through state executive branch agencies.
174 Counties may provide, by interlocal agreement, for the

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175 collective funding of these programs.

176 (7) The chief judge of each judicial circuit may appoint an
177 advisory committee for the treatment-based mental health court
178 program. The committee shall be composed of the chief judge, or
179 his or her designee, who shall serve as chair; the judge of the
180 treatment-based mental health court program, if not otherwise
181 designated by the chief judge as his or her designee; the state
182 attorney, or his or her designee; the public defender, or his or
183 her designee; the treatment-based mental health court program
184 coordinators; community representatives; treatment
185 representatives; and any other persons the chair finds are
186 appropriate.

187 Section 3. Section 394.656, Florida Statutes, is amended to
188 read:

189 394.656 Criminal Justice, Mental Health, and Substance
190 Abuse Reinvestment Grant Program.—

191 (1) There is created within the Department of Children and
192 Families the Criminal Justice, Mental Health, and Substance
193 Abuse Reinvestment Grant Program. The purpose of the program is
194 to provide funding to counties with which they can plan,
195 implement, or expand initiatives that increase public safety,
196 avert increased spending on criminal justice, and improve the
197 accessibility and effectiveness of treatment services for adults
198 and juveniles who have a mental illness, substance abuse
199 disorder, or co-occurring mental health and substance abuse
200 disorders and who are in, or at risk of entering, the criminal
201 or juvenile justice systems.

202 (2) The department shall establish a Criminal Justice,
203 Mental Health, and Substance Abuse Statewide Grant Review

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204 Committee. The committee shall include:

205 (a) One representative of the Department of Children and
206 Families;

207 (b) One representative of the Department of Corrections;

208 (c) One representative of the Department of Juvenile
209 Justice;

210 (d) One representative of the Department of Elderly
211 Affairs; ~~and~~

212 (e) One representative of the Office of the State Courts
213 Administrator;

214 (f) One representative of the Department of Veterans'
215 Affairs;

216 (g) One representative of the Florida Sheriffs Association;

217 (h) One representative of the Florida Police Chiefs
218 Association;

219 (i) One representative of the Florida Association of
220 Counties;

221 (j) One representative of the Florida Alcohol and Drug
222 Abuse Association; and

223 (k) One representative from the Florida Council for
224 Community Mental Health.

225

226 The committee shall serve as the advisory body to review policy
227 and funding issues that help reduce the impact of persons with
228 mental illness and substance abuse disorders on communities and
229 the court system. The committee shall advise the department in
230 selecting priorities for applying and reviewing grants and
231 investing awarded grant moneys.

232 (3) In addition to the committee established pursuant to

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233 subsection (2), the department shall create a grant review and
234 selection committee. To the extent possible, the members of the
235 grant review and selection committee shall have expertise in the
236 content areas relating to grant applications, including, but not
237 limited to, substance abuse and mental health disorders,
238 community corrections, and law enforcement. In addition, members
239 shall have experience in grant writing, grant reviewing, and
240 grant application scoring.

241 (4) (a) ~~(3) (a)~~ A county, or a not-for-profit community
242 provider designated by a local county planning council or
243 committee described in s. 394.657, may apply for a ~~1-year~~
244 planning grant or a 3-year implementation or expansion grant.
245 The purpose of the grants is to demonstrate that investment in
246 treatment efforts related to mental illness, substance abuse
247 disorders, or co-occurring mental health and substance abuse
248 disorders results in a reduced demand on the resources of the
249 judicial, corrections, juvenile detention, and health and social
250 services systems.

251 (b) To be eligible to receive a ~~1-year planning grant or a~~
252 3-year implementation or expansion grant, a county applicant
253 must have a county planning council or committee that is in
254 compliance with the membership requirements set forth in this
255 section.

256 (5) ~~(4)~~ The Criminal Justice, Mental Health, and Substance
257 Abuse Statewide Grant Review Committee shall notify the
258 Department of Children and Families in writing of the names of
259 the applicants who have been selected by the committee to
260 receive a grant. Contingent upon the availability of funds and
261 upon notification by the ~~review~~ committee of those applicants

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262 approved to receive ~~planning, implementation, or expansion~~
263 grants, the Department of Children and Families may transfer
264 funds appropriated for the grant program to an approved
265 applicant ~~any county awarded a grant.~~

266 Section 4. Present paragraphs (b) through (g) of subsection
267 (7) of section 394.9082, Florida Statutes, are redesignated as
268 paragraphs (c) through (h), respectively, a new paragraph (b) is
269 added to that subsection, present paragraphs (c) and (d) of that
270 subsection are amended, present subsections (10) and (11) of
271 that section are redesignated as subsections (11) and (12),
272 respectively, and a new subsection (10) is added to that
273 section, to read:

274 394.9082 Behavioral health managing entities.—

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

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

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

286 2. Individuals in state treatment facilities on the
287 waitlist for community care;

288 3. Parents or caretakers with child welfare involvement;

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

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291 5. Individuals with behavioral health disorders and
292 comorbidities consistent with the characteristics of patients in
293 the region's population of behavioral health service users who
294 account for a disproportionately high percentage of service
295 expenditures.

296 (d) ~~(e)~~ A managing entity must submit a network management
297 plan and budget in a form and manner determined by the
298 department. The plan must detail the means for implementing the
299 duties to be contracted to the managing entity and the
300 efficiencies to be anticipated by the department as a result of
301 executing the contract. The department may require modifications
302 to the plan and must approve the plan before contracting with a
303 managing entity. The department may contract with a managing
304 entity that demonstrates readiness to assume core functions, and
305 may continue to add functions and responsibilities to the
306 managing entity's contract over time as additional competencies
307 are developed as identified in paragraph (h) ~~(g)~~.
308 Notwithstanding other provisions of this section, the department
309 may continue and expand managing entity contracts if the
310 department determines that the managing entity meets the
311 requirements specified in this section.

312 (e) ~~(d)~~ Notwithstanding paragraphs (c) ~~(b)~~ and (d) ~~(e)~~, a
313 managing entity that is currently a fully integrated system
314 providing mental health and substance abuse services, Medicaid,
315 and child welfare services is permitted to continue operating
316 under its current governance structure as long as the managing
317 entity can demonstrate to the department that consumers, other
318 stakeholders, and network providers are included in the planning
319 process.

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320 (10) CRISIS STABILIZATION SERVICES UTILIZATION DATABASE.-

321 The department shall develop, implement, and maintain standards
322 under which a managing entity shall collect utilization data
323 from all public receiving facilities situated within its
324 geographic service area. As used in this subsection, the term
325 "public receiving facility" means an entity that meets the
326 licensure requirements of and is designated by the department to
327 operate as a public receiving facility under s. 394.875 and that
328 is operating as a licensed crisis stabilization unit.

329 (a) The department shall develop standards and protocols
330 for managing entities and public receiving facilities to use in
331 the collection, storage, transmittal, and analysis of data. The
332 standards and protocols must allow for compatibility of data and
333 data transmittal between public receiving facilities, managing
334 entities, and the department for the implementation and
335 requirements of this subsection. The department shall require
336 managing entities contracted under this section to comply with
337 this subsection by August 1, 2015.

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

341 1. All admissions and discharges of clients receiving
342 public receiving facility services who qualify as indigent, as
343 defined in s. 394.4787; and

344 2. Current active census of total licensed beds, the number
345 of beds purchased by the department, the number of clients
346 qualifying as indigent occupying those beds, and the total
347 number of unoccupied licensed beds regardless of funding.

348 (c) A managing entity shall require a public receiving

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349 facility within its provider network to submit data, on a
350 monthly basis, to the managing entity which aggregates the daily
351 data submitted under paragraph (b). The managing entity shall
352 reconcile the data in the monthly submission to the data
353 received by the managing entity under paragraph (b) to check for
354 consistency. If the monthly aggregate data submitted by a public
355 receiving facility under this paragraph is inconsistent with the
356 daily data submitted under paragraph (b), the managing entity
357 shall consult with the public receiving facility to make
358 corrections as necessary to ensure accurate data.

359 (d) A managing entity shall require a public receiving
360 facility within its provider network to submit data, on an
361 annual basis, to the managing entity which aggregates the data
362 submitted and reconciled under paragraph (c). The managing
363 entity shall reconcile the data in the annual submission to the
364 data received and reconciled by the managing entity under
365 paragraph (c) to check for consistency. If the annual aggregate
366 data submitted by a public receiving facility under this
367 paragraph is inconsistent with the data received and reconciled
368 under paragraph (c), the managing entity shall consult with the
369 public receiving facility to make corrections as necessary to
370 ensure accurate data.

371 (e) After ensuring accurate data under paragraphs (c) and
372 (d), the managing entity shall submit the data to the department
373 on a monthly and an annual basis. The department shall create a
374 statewide database for the data described under paragraph (b)
375 and submitted under this paragraph for the purpose of analyzing
376 the payments for and the use of crisis stabilization services
377 funded under the Baker Act on a statewide basis and on an

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378 individual public receiving facility basis.

379 (f) The department shall adopt rules to administer this
380 subsection.

381 (g) The department shall submit a report by January 31,
382 2016, and annually thereafter, to the Governor, the President of
383 the Senate, and the Speaker of the House of Representatives
384 which provides details on the implementation of this subsection,
385 including the status of the data collection process and a
386 detailed analysis of the data collected under this subsection.

387 (h) The implementation of this subsection is subject to
388 specific appropriations provided to the department under the
389 General Appropriations Act.

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

392 29.004 State courts system.—For purposes of implementing s.
393 14, Art. V of the State Constitution, the elements of the state
394 courts system to be provided from state revenues appropriated by
395 general law are as follows:

396 (10) Case management. Case management includes:

397 (e) Service referral, coordination, monitoring, and
398 tracking for treatment-based mental health court programs under
399 s. 394.47892.

400
401 Case management may not include costs associated with the
402 application of therapeutic jurisprudence principles by the
403 courts. Case management also may not include case intake and
404 records management conducted by the clerk of court.

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

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407 39.001 Purposes and intent; personnel standards and
408 screening.—

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

410 (a) The Legislature recognizes that early referral and
411 comprehensive treatment can help combat mental illnesses and
412 substance abuse disorders in families and that treatment is
413 cost-effective.

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

417 1. To ensure the safety of children.

418 2. To prevent and remediate the consequences of mental
419 illnesses and substance abuse disorders on families involved in
420 protective supervision or foster care and reduce the occurrences
421 of mental illnesses and substance abuse disorders, including
422 alcohol abuse or related disorders, for families who are at risk
423 of being involved in protective supervision or foster care.

424 3. To expedite permanency for children and reunify healthy,
425 intact families, when appropriate.

426 4. To support families in recovery.

427 (c) The Legislature finds that children in the care of the
428 state's dependency system need appropriate health care services,
429 that the impact of mental illnesses and substance abuse
430 disorders on health indicates the need for health care services
431 to include treatment for mental health and substance abuse
432 disorders ~~services~~ to children and parents where appropriate,
433 and that it is in the state's best interest that such children
434 be provided the services they need to enable them to become and
435 remain independent of state care. In order to provide these

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436 services, the state's dependency system must have the ability to
437 identify and provide appropriate intervention and treatment for
438 children with personal or family-related mental illness and
439 substance abuse problems.

440 (d) It is the intent of the Legislature to encourage the
441 use of the treatment-based mental health court program model
442 established by s. 394.47892 and drug court program model
443 established by s. 397.334 and authorize courts to assess
444 children and persons who have custody or are requesting custody
445 of children where good cause is shown to identify and address
446 mental illnesses and substance abuse disorders ~~problems~~ as the
447 court deems appropriate at every stage of the dependency
448 process. Participation in treatment, including a treatment-based
449 mental health court program or a treatment-based drug court
450 program, may be required by the court following adjudication.
451 Participation in assessment and treatment before ~~prior to~~
452 adjudication is ~~shall be~~ voluntary, except as provided in s.
453 39.407(16).

454 (e) It is therefore the purpose of the Legislature to
455 provide authority for the state to contract with mental health
456 service providers and community substance abuse treatment
457 providers for the development and operation of specialized
458 support and overlay services for the dependency system, which
459 will be fully implemented and used as resources permit.

460 (f) Participation in a treatment-based mental health court
461 program or ~~the~~ treatment-based drug court program does not
462 divest any public or private agency of its responsibility for a
463 child or adult, but is intended to enable these agencies to
464 better meet their needs through shared responsibility and

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465 resources.

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

468 39.507 Adjudicatory hearings; orders of adjudication.—

469 (10) After an adjudication of dependency, or a finding of
470 dependency where adjudication is withheld, the court may order a
471 person who has custody or is requesting custody of the child to
472 submit to a mental health or substance abuse disorder assessment
473 or evaluation. The assessment or evaluation must be administered
474 by a qualified professional, as defined in s. 397.311. The court
475 may also require such person to participate in and comply with
476 treatment and services identified as necessary, including, when
477 appropriate and available, participation in and compliance with
478 a treatment-based mental health court program established under
479 s. 394.47892 or a treatment-based drug court program established
480 under s. 397.334. In addition to supervision by the department,
481 the court, including the treatment-based mental health court
482 program or treatment-based drug court program, may oversee the
483 progress and compliance with treatment by a person who has
484 custody or is requesting custody of the child. The court may
485 impose appropriate available sanctions for noncompliance upon a
486 person who has custody or is requesting custody of the child or
487 make a finding of noncompliance for consideration in determining
488 whether an alternative placement of the child is in the child's
489 best interests. Any order entered under this subsection may be
490 made only upon good cause shown. This subsection does not
491 authorize placement of a child with a person seeking custody,
492 other than the parent or legal custodian, who requires mental
493 health or substance abuse disorder treatment.

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494 Section 8. Paragraph (b) of subsection (1) of section
495 39.521, Florida Statutes, is amended to read:

496 39.521 Disposition hearings; powers of disposition.—

497 (1) A disposition hearing shall be conducted by the court,
498 if the court finds that the facts alleged in the petition for
499 dependency were proven in the adjudicatory hearing, or if the
500 parents or legal custodians have consented to the finding of
501 dependency or admitted the allegations in the petition, have
502 failed to appear for the arraignment hearing after proper
503 notice, or have not been located despite a diligent search
504 having been conducted.

505 (b) When any child is adjudicated by a court to be
506 dependent, the court having jurisdiction of the child has the
507 power by order to:

508 1. Require the parent and, when appropriate, the legal
509 custodian and the child to participate in treatment and services
510 identified as necessary. The court may require the person who
511 has custody or who is requesting custody of the child to submit
512 to a mental health or substance abuse disorder assessment or
513 evaluation. The assessment or evaluation must be administered by
514 a qualified professional, as defined in s. 397.311. The court
515 may also require such person to participate in and comply with
516 treatment and services identified as necessary, including, when
517 appropriate and available, participation in and compliance with
518 a treatment-based mental health court program established under
519 s. 394.47892 or treatment-based drug court program established
520 under s. 397.334. In addition to supervision by the department,
521 the court, including the treatment-based mental health court
522 program or treatment-based drug court program, may oversee the

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523 progress and compliance with treatment by a person who has
524 custody or is requesting custody of the child. The court may
525 impose appropriate available sanctions for noncompliance upon a
526 person who has custody or is requesting custody of the child or
527 make a finding of noncompliance for consideration in determining
528 whether an alternative placement of the child is in the child's
529 best interests. Any order entered under this subparagraph may be
530 made only upon good cause shown. This subparagraph does not
531 authorize placement of a child with a person seeking custody of
532 the child, other than the child's parent or legal custodian, who
533 requires mental health or substance abuse disorder treatment.

534 2. Require, if the court deems necessary, the parties to
535 participate in dependency mediation.

536 3. Require placement of the child either under the
537 protective supervision of an authorized agent of the department
538 in the home of one or both of the child's parents or in the home
539 of a relative of the child or another adult approved by the
540 court, or in the custody of the department. Protective
541 supervision continues until the court terminates it or until the
542 child reaches the age of 18, whichever date is first. Protective
543 supervision shall be terminated by the court whenever the court
544 determines that permanency has been achieved for the child,
545 whether with a parent, another relative, or a legal custodian,
546 and that protective supervision is no longer needed. The
547 termination of supervision may be with or without retaining
548 jurisdiction, at the court's discretion, and shall in either
549 case be considered a permanency option for the child. The order
550 terminating supervision by the department shall set forth the
551 powers of the custodian of the child and shall include the

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552 powers ordinarily granted to a guardian of the person of a minor
553 unless otherwise specified. Upon the court's termination of
554 supervision by the department, no further judicial reviews are
555 required, so long as permanency has been established for the
556 child.

557 Section 9. Paragraph (a) of subsection (7) of section
558 948.08, Florida Statutes, is amended to read:

559 948.08 Pretrial intervention program.—

560 (7) (a) Notwithstanding any provision of this section, a
561 person who is charged with a felony, other than a felony listed
562 in s. 948.06(8)(c), and identified as a veteran, as defined in
563 s. 1.01, including a veteran who was discharged or released
564 under a general discharge, or servicemember, as defined in s.
565 250.01, who suffers from a military service-related mental
566 illness, traumatic brain injury, substance abuse disorder, or
567 psychological problem, is eligible for voluntary admission into
568 a pretrial veterans' treatment intervention program approved by
569 the chief judge of the circuit, upon motion of either party or
570 the court's own motion, except:

571 1. If a defendant was previously offered admission to a
572 pretrial veterans' treatment intervention program at any time
573 before trial and the defendant rejected that offer on the
574 record, the court may deny the defendant's admission to such a
575 program.

576 2. If a defendant previously entered a court-ordered
577 veterans' treatment program, the court may deny the defendant's
578 admission into the pretrial veterans' treatment program.

579 Section 10. Paragraph (a) of subsection (2) of section
580 948.16, Florida Statutes, is amended to read:

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581 948.16 Misdemeanor pretrial substance abuse education and
582 treatment intervention program; misdemeanor pretrial veterans'
583 treatment intervention program.—

584 (2) (a) A veteran, as defined in s. 1.01, including a
585 veteran who was discharged or released under a general
586 discharge, or servicemember, as defined in s. 250.01, who
587 suffers from a military service-related mental illness,
588 traumatic brain injury, substance abuse disorder, or
589 psychological problem, and who is charged with a misdemeanor is
590 eligible for voluntary admission into a misdemeanor pretrial
591 veterans' treatment intervention program approved by the chief
592 judge of the circuit, for a period based on the program's
593 requirements and the treatment plan for the offender, upon
594 motion of either party or the court's own motion. However, the
595 court may deny the defendant admission into a misdemeanor
596 pretrial veterans' treatment intervention program if the
597 defendant has previously entered a court-ordered veterans'
598 treatment program.

599 Section 11. Section 948.21, Florida Statutes, is amended to
600 read:

601 948.21 Condition of probation or community control;
602 military servicemembers and veterans.—

603 (1) Effective for a probationer or community controllee
604 whose crime was committed on or after July 1, 2012, and who is a
605 veteran, as defined in s. 1.01, or servicemember, as defined in
606 s. 250.01, who suffers from a military service-related mental
607 illness, traumatic brain injury, substance abuse disorder, or
608 psychological problem, the court may, in addition to any other
609 conditions imposed, impose a condition requiring the probationer

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610 or community controllee to participate in a treatment program
611 capable of treating the probationer or community controllee's
612 mental illness, traumatic brain injury, substance abuse
613 disorder, or psychological problem.

614 (2) Effective for a probationer or community controllee
615 whose crime was committed on or after July 1, 2015, and who is a
616 veteran, as defined in s. 1.01, including a veteran who was
617 discharged or released under a general discharge, or a
618 servicemember, as defined in s. 250.01, who suffers from a
619 military service-related mental illness, traumatic brain injury,
620 substance abuse disorder, or psychological problem, the court
621 may impose, in addition to any other conditions imposed, a
622 condition requiring the probationer or community controllee to
623 participate in a treatment program established to treat the
624 probationer or community controllee's mental illness, traumatic
625 brain injury, substance abuse disorder, or psychological
626 problem.

627 (3) The court shall give preference to treatment programs
628 for which the probationer or community controllee is eligible
629 through the United States Department of Veterans Affairs or the
630 Florida Department of Veterans' Affairs. The Department of
631 Corrections is not required to spend state funds to implement
632 this section.

633 Section 12. The Agency for Health Care Administration shall
634 apply to the United States Department of Health and Human
635 Services for a planning grant and any other subsequent grant
636 programs that become available through s. 203 of the federal
637 Protecting Access to Medicare Act of 2014, Pub. L. No. 113-93,
638 and that create opportunity to improve access to community

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639 mental health services while improving Medicaid reimbursement
640 rates for such services. The agency shall collaborate with the
641 Department of Children and Families in preparing the state's
642 application for submission.

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