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LEGISLATIVE ACTION

Senate

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House

Floor: 1j/WD/3R

04/24/2015 12:50 PM

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Senator Garcia moved the following:

1           **Senate Amendment to Amendment (902964) (with title**  
2 **amendment)**

3  
4           Between lines 3889 and 3890  
5 insert:

6           Section 1. Present subsection (4) of section 985.345,  
7 Florida Statutes, is renumbered as subsection (7) and amended,  
8 and new subsection (4) and subsections (5) and (6) are added to  
9 that section, to read:

10           985.345 Delinquency pretrial intervention program.—

11           (4) Notwithstanding any other provision of law, a child is



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12 eligible for voluntary admission into a delinquency pretrial  
13 mental health court program established pursuant to s.  
14 394.47892, if approved by the chief judge of the circuit, for a  
15 period of time determined by the program requirements and the  
16 nature of the treatment services that are appropriate for the  
17 child, upon motion of either party or the court's own motion if  
18 the child is charged with:

19 (a) A misdemeanor;  
20 (b) A nonviolent felony, which for purposes of this  
21 subsection means a felony violation of the third degree of  
22 chapter 810 or any other felony offense that is not a forcible  
23 felony as defined in s. 776.08;  
24 (c) Resisting an officer with violence under s. 843.01, if  
25 the law enforcement officer and state attorney consent to the  
26 child's participation;  
27 (d) Battery on a law enforcement officer under 784.07, if  
28 the law enforcement officer and state attorney consent to the  
29 child's participation; or  
30 (e) Aggravated assault, if the victim and state attorney  
31 consent to the child's participation,  
32  
33 and the child is identified as having a mental illness and has  
34 not been previously adjudicated for a felony.

35 (5) At the end of the delinquency pretrial intervention  
36 period, the court shall consider the recommendation of the state  
37 attorney and the program administrator as to disposition of the  
38 pending charges. The court shall determine, by written finding,  
39 whether the child has successfully completed the delinquency  
40 pretrial intervention program. If the court finds that the child



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41 has not successfully completed the delinquency pretrial  
42 intervention program, the court may order the child to continue  
43 in an education, treatment, or monitoring program if resources  
44 and funding are available or order that the charges revert to  
45 normal channels for prosecution. The court may dismiss the  
46 charges upon a finding that the child has successfully completed  
47 the delinquency pretrial intervention program.

48 (6) A child whose charges are dismissed after successful  
49 completion of the mental health court program, if otherwise  
50 eligible, may have his or her arrest record and plea of nolo  
51 contendere to the dismissed charges expunged under s. 943.0585.

52 (7)~~(4)~~ Any entity, whether public or private, providing  
53 pretrial substance abuse education, treatment intervention, and  
54 a urine monitoring program, or a mental health program under  
55 this section must contract with the county or appropriate  
56 governmental entity, and the terms of the contract must include,  
57 but need not be limited to, the requirements established for  
58 private entities under s. 948.15(3). It is the intent of the  
59 Legislature that public or private entities providing substance  
60 abuse education and treatment intervention programs involve the  
61 active participation of parents, schools, churches, businesses,  
62 law enforcement agencies, and the department or its contract  
63 providers.

64  
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete line 5876

68 and insert:

69 or community controllees; amending s. 985.345, F.S.;



70 authorizing pretrial mental health court programs for  
71 certain juvenile offenders; providing for disposition  
72 of pending charges after completion of the pretrial  
73 intervention program; amending ss. 1002.20 and