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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/3R

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04/24/2015 11:12 AM

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Senator Garcia moved the following:

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

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4           Between lines 3813 and 3814  
5 insert:

6           Section 36. Subsection (8) is added to section 948.01,  
7 Florida Statutes, to read:

8           948.01 When court may place defendant on probation or into  
9 community control.—

10           (8) (a) Notwithstanding s. 921.0024 and effective for  
11 offenses committed on or after July 1, 2015, the sentencing



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12 court may place the defendant into a postadjudicatory treatment-  
13 based mental health court program if the offense is a nonviolent  
14 felony, the defendant is amenable to mental health treatment,  
15 including taking prescribed medications, and the defendant is  
16 otherwise qualified under s. 394.47892(4). The satisfactory  
17 completion of the program must be a condition of the defendant's  
18 probation or community control. As used in this subsection, the  
19 term "nonviolent felony" means a felony violation of the third  
20 degree under chapter 810 or any other felony offense that is not  
21 a forcible felony as defined in s. 776.08. Defendants charged  
22 with resisting an officer with violence under s. 843.01, battery  
23 on a law enforcement officer under s. 784.07, or aggravated  
24 assault may participate in the mental health court program if  
25 the court so orders after the victim is given his or her right  
26 to provide testimony or a written statement to the court as  
27 provided in s. 921.143.

28 (b) The defendant must be fully advised of the purpose of  
29 the program and the defendant must agree to enter the program.  
30 The original sentencing court shall relinquish jurisdiction of  
31 the defendant's case to the postadjudicatory treatment-based  
32 mental health court program until the defendant is no longer  
33 active in the program, the case is returned to the sentencing  
34 court due to the defendant's termination from the program for  
35 failure to comply with the terms thereof, or the defendant's  
36 sentence is completed.

37 (c) The Department of Corrections may establish designated  
38 mental health probation officers to support individuals under  
39 supervision of the mental health court.

40 Section 37. Paragraph (j) is added to subsection (2) of



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41 section 948.06, Florida Statutes, to read:

42 948.06 Violation of probation or community control;  
43 revocation; modification; continuance; failure to pay  
44 restitution or cost of supervision.—

45 (2)

46 (j)1. Notwithstanding s. 921.0024 and effective for  
47 offenses committed on or after July 1, 2015, the court may order  
48 the offender to successfully complete a postadjudicatory  
49 treatment-based mental health court program under s. 394.47892  
50 or a military veterans and servicemembers court program under s.  
51 394.47891 if:

52 a. The court finds or the offender admits that the offender  
53 has violated his or her community control or probation.

54 b. The underlying offense is a nonviolent felony. As used  
55 in this subsection, the term "nonviolent felony" means a felony  
56 violation of the third degree under chapter 810 or any other  
57 felony offense that is not a forcible felony as defined in s.  
58 776.08. Offenders charged with resisting an officer with  
59 violence under s. 843.01, battery on a law enforcement officer  
60 under s. 784.07, or aggravated assault may participate in the  
61 mental health court program if the court so orders after the  
62 victim is given his or her right to provide testimony or a  
63 written statement to the court as provided in s. 921.143.

64 c. The court determines that the offender is amenable to  
65 the services of a postadjudicatory treatment-based mental health  
66 court program, including taking prescribed medications, or a  
67 military veterans and servicemembers court program.

68 d. The court explains the purpose of the program to the  
69 offender and the offender agrees to participate.



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70 e. The offender is otherwise qualified to participate in a  
71 postadjudicatory treatment-based mental health court program  
72 under s. 394.47892(4) or a military veterans and servicemembers  
73 court program under s. 394.47891.

74 2. After the court orders the modification of community  
75 control or probation, the original sentencing court shall  
76 relinquish jurisdiction of the offender's case to the  
77 postadjudicatory treatment-based mental health court program  
78 until the offender is no longer active in the program, the case  
79 is returned to the sentencing court due to the offender's  
80 termination from the program for failure to comply with the  
81 terms thereof, or the offender's sentence is completed.

82  
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete line 5867

86 and insert:

87 provisions are not severable; amending ss. 948.01 and  
88 948.06, F.S.; providing for courts to order certain  
89 defendants on probation or community control to  
90 postadjudicatory mental health court programs;  
91 amending s. 948.08,