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LEGISLATIVE ACTION

Senate

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House

Floor: 1k/WD/3R

04/24/2015 12:50 PM

Senator Garcia moved the following:

1 **Senate Amendment to Amendment (902964) (with directory and**
2 **title amendments)**

3
4 Delete lines 3836 - 3855
5 and insert:

6 (8) (a) Notwithstanding any provision of this section, a
7 defendant identified as having a mental illness and who has not
8 been convicted of a felony and is charged with:

9 1. A nonviolent felony that includes a third degree felony
10 violation under chapter 810 or any other felony offense that is
11 not a forcible felony as defined in s. 776.08;



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12 2. Resisting an officer with violence under s. 843.01, if
13 the law enforcement officer and state attorney consent to the
14 defendant's participation;

15 3. Battery on a law enforcement officer under s. 784.07, if
16 the law enforcement officer and state attorney consent to the
17 defendant's participation; or

18 4. Aggravated assault if the victim and state attorney
19 consent to the defendant's participation,
20
21 is eligible for voluntary admission into a pretrial mental
22 health court program, established pursuant to s. 394.47892, and
23 approved by the chief judge of the circuit, for a period to be
24 determined by the risk and needs assessment of the defendant,
25 upon motion of either party or the court's own motion.

26 (b) At the end of the pretrial intervention period, the
27 court shall consider the recommendation of the treatment
28 provider and the recommendation of the state attorney as to
29 disposition of the pending charges. The court shall determine,
30 by written finding, whether the defendant has successfully
31 completed the pretrial intervention program. If the court finds
32 that the defendant has not successfully completed the pretrial
33 intervention program, the court may order the person to continue
34 in education and treatment, which may include a mental health
35 program offered by a licensed service provider, as defined in s.
36 394.455, or order that the charges revert to normal channels for
37 prosecution. The court shall dismiss the charges upon a finding
38 that the defendant has successfully completed the pretrial
39 intervention program.

40 Section 37. Subsections (3) and (4) of section 948.16,



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41 Florida Statutes, are renumbered as subsections (4) and (5),
42 respectively, paragraph (a) of subsection (2) and present
43 subsection (4) are amended, and a new subsection (3) is added to
44 that section, to read:

45 948.16 Misdemeanor pretrial substance abuse education and
46 treatment intervention program; misdemeanor pretrial veterans'
47 treatment intervention program; misdemeanor pretrial mental
48 health court program.—

49 (2) (a) A veteran, as defined in s. 1.01, including veterans
50 who were discharged or released under a general discharge, or
51 servicemember, as defined in s. 250.01, who suffers from a
52 military service-related mental illness, traumatic brain injury,
53 substance abuse disorder, or psychological problem, and who is
54 charged with a misdemeanor is eligible for voluntary admission
55 into a misdemeanor pretrial veterans' treatment intervention
56 program approved by the chief judge of the circuit, for a period
57 based on the program's requirements and the treatment plan for
58 the offender, upon motion of either party or the court's own
59 motion. However, the court may deny the defendant admission into
60 a misdemeanor pretrial veterans' treatment intervention program
61 if the defendant has previously entered a court-ordered
62 veterans' treatment program.

63 (3) A defendant who is charged with a misdemeanor and
64 identified as having a mental illness is eligible for voluntary
65 admission into a misdemeanor pretrial mental health court
66 program established pursuant to s. 394.47892, approved by the
67 chief judge of the circuit, for a period to be determined by the
68 risk and needs assessment of the defendant, upon motion of
69 either party or the court's own motion.



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70 (5)~~(4)~~ Any public or private entity providing a pretrial
71 substance abuse education and treatment program or mental health
72 program under this section shall contract with the county or
73 appropriate governmental entity. The terms of the contract shall
74 include, but not be limited to, the requirements established for
75 private entities under s. 948.15(3). This requirement does not
76 apply to services provided by the Department of Veterans'
77 Affairs or the United States Department of Veterans Affairs.

78
79 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

80 And the directory clause is amended as follows:

81 Delete lines 3814 - 3815

82 and insert:

83 Section 36. Subsection (8) of section 948.08, Florida
84 Statutes, is renumbered as subsection (9), paragraph (a) of
85 subsection (7) is amended, and a new subsection (8) is added to
86 that section, to read:

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Delete lines 5868 - 5873

91 and insert:

92 F.S.; expanding the eligibility of veterans for
93 certain pretrial intervention programs; providing for
94 voluntary admission into a pretrial mental health
95 court program; amending s. 948.16, F.S.; expanding the
96 eligibility of veterans for a misdemeanor pretrial
97 veterans' treatment intervention program; providing
98 eligibility of misdemeanor defendants for a



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misdemeanor pretrial mental health court