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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2015	.	
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The Committee on Appropriations (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 3741 - 3824

and insert:

Section 31. Paragraph (a) of subsection (7) of section 948.08, Florida Statutes, is amended to read:

948.08 Pretrial intervention program.—

(7) (a) Notwithstanding any provision of this section, a person who is charged with a felony, other than a felony listed in s. 948.06(8) (c), and identified as a veteran, as defined in



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11 s. 1.01, including a veteran who was discharged or released
12 under a general discharge, or servicemember, as defined in s.
13 250.01, who suffers from a military service-related mental
14 illness, traumatic brain injury, substance abuse disorder, or
15 psychological problem, is eligible for voluntary admission into
16 a pretrial veterans' treatment intervention program approved by
17 the chief judge of the circuit, upon motion of either party or
18 the court's own motion, except:

19 1. If a defendant was previously offered admission to a
20 pretrial veterans' treatment intervention program at any time
21 before trial and the defendant rejected that offer on the
22 record, the court may deny the defendant's admission to such a
23 program.

24 2. If a defendant previously entered a court-ordered
25 veterans' treatment program, the court may deny the defendant's
26 admission into the pretrial veterans' treatment program.

27 Section 32. Paragraph (a) of subsection (2) of section
28 948.16, Florida Statutes, is amended to read:

29 948.16 Misdemeanor pretrial substance abuse education and
30 treatment intervention program; misdemeanor pretrial veterans'
31 treatment intervention program.—

32 (2) (a) A veteran, as defined in s. 1.01, including a
33 veteran who was discharged or released under a general
34 discharge, or servicemember, as defined in s. 250.01, who
35 suffers from a military service-related mental illness,
36 traumatic brain injury, substance abuse disorder, or
37 psychological problem, and who is charged with a misdemeanor is
38 eligible for voluntary admission into a misdemeanor pretrial
39 veterans' treatment intervention program approved by the chief



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40 judge of the circuit, for a period based on the program's
41 requirements and the treatment plan for the offender, upon
42 motion of either party or the court's own motion. However, the
43 court may deny the defendant admission into a misdemeanor
44 pretrial veterans' treatment intervention program if the
45 defendant has previously entered a court-ordered veterans'
46 treatment program.

47 Section 33. Section 948.21, Florida Statutes, is amended to
48 read:

49 948.21 Condition of probation or community control;
50 military servicemembers and veterans.-

51 (1) Effective for a probationer or community controllee
52 whose crime was committed on or after July 1, 2012, and who is a
53 veteran, as defined in s. 1.01, or servicemember, as defined in
54 s. 250.01, who suffers from a military service-related mental
55 illness, traumatic brain injury, substance abuse disorder, or
56 psychological problem, the court may, in addition to any other
57 conditions imposed, impose a condition requiring the probationer
58 or community controllee to participate in a treatment program
59 capable of treating the probationer or community controllee's
60 mental illness, traumatic brain injury, substance abuse
61 disorder, or psychological problem.

62 (2) Effective for a probationer or community controllee
63 whose crime was committed on or after July 1, 2015, and who is a
64 veteran, as defined in s. 1.01, including a veteran who was
65 discharged or released under a general discharge, or a
66 servicemember, as defined in s. 250.01, who suffers from a
67 military service-related mental illness, traumatic brain injury,
68 substance abuse disorder, or psychological problem, the court



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69 may impose, in addition to any other conditions imposed, a
70 condition requiring the probationer or community controllee to
71 participate in a treatment program established to treat the
72 probationer or community controllee's mental illness, traumatic
73 brain injury, substance abuse disorder, or psychological
74 problem.

75 (3) The court shall give preference to treatment programs
76 for which the probationer or community controllee is eligible
77 through the United States Department of Veterans Affairs or the
78 Florida Department of Veterans' Affairs. The Department of
79 Corrections is not required to spend state funds to implement
80 this section.

81 Section 34. Paragraph (1) is added to subsection (3) of
82 section 1002.20, Florida Statutes, to read:

83 1002.20 K-12 student and parent rights.—Parents of public
84 school students must receive accurate and timely information
85 regarding their child's academic progress and must be informed
86 of ways they can help their child to succeed in school. K-12
87 students and their parents are afforded numerous statutory
88 rights including, but not limited to, the following:

89 (3) HEALTH ISSUES.—

90 (1) Notification of involuntary examinations.—The public
91 school principal or the principal's designee shall immediately
92 notify the parent of a student who is removed from school,
93 school transportation, or a school-sponsored activity and taken
94 to a receiving facility for an involuntary examination pursuant
95 to s. 394.463. The principal or the principal's designee may
96 delay notification for no more than 24 hours after the student
97 is removed from school if the principal or designee deems the



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98 delay to be in the student's best interest and if a report has
99 been submitted to the central abuse hotline, pursuant to s.
100 39.201, based upon knowledge or suspicion of abuse, abandonment,
101 or neglect. Each district school board shall develop a policy
102 and procedures for notification under this paragraph.

103 Section 35. Paragraph (q) is added to subsection (9) of
104 section 1002.33, Florida Statutes, to read:

105 1002.33 Charter schools.—

106 (9) CHARTER SCHOOL REQUIREMENTS.—

107 (q) The charter school principal or the principal's
108 designee shall immediately notify the parent of a student who is
109 removed from school, school transportation, or a school-
110 sponsored activity and taken to a receiving facility for an
111 involuntary examination pursuant to s. 394.463. The principal or
112 the principal's designee may delay notification for no more than
113 24 hours after the student is removed from school if the
114 principal or designee deems the delay to be in the student's
115 best interest and if a report has been submitted to the central
116 abuse hotline, pursuant to s. 39.201, based upon knowledge or
117 suspicion of abuse, abandonment, or neglect. Each charter school
118 governing board shall develop a policy and procedures for
119 notification under this paragraph.

120 Section 36. Effective July 1, 2016, paragraph (a) of
121 subsection (3) of section 39.407, Florida Statutes, is amended
122 to read:

123 39.407 Medical, psychiatric, and psychological examination
124 and treatment of child; physical, mental, or substance abuse
125 examination of person with or requesting child custody.—

126 (3) (a)1. Except as otherwise provided in subparagraph (b)1.



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127 or paragraph (e), before the department provides psychotropic
128 medications to a child in its custody, the prescribing physician
129 shall attempt to obtain express and informed consent, as defined
130 in s. 394.455(13) ~~s. 394.455(9)~~ and as described in s.
131 394.459(4)(a) ~~s. 394.459(3)(a)~~, from the child's parent or legal
132 guardian. The department must take steps necessary to facilitate
133 the inclusion of the parent in the child's consultation with the
134 physician. However, if the parental rights of the parent have
135 been terminated, the parent's location or identity is unknown or
136 cannot reasonably be ascertained, or the parent declines to give
137 express and informed consent, the department may, after
138 consultation with the prescribing physician, seek court
139 authorization to provide the psychotropic medications to the
140 child. Unless parental rights have been terminated and if it is
141 possible to do so, the department shall continue to involve the
142 parent in the decisionmaking process regarding the provision of
143 psychotropic medications. If, at any time, a parent whose
144 parental rights have not been terminated provides express and
145 informed consent to the provision of a psychotropic medication,
146 the requirements of this section that the department seek court
147 authorization do not apply to that medication until such time as
148 the parent no longer consents.

149 2. Any time the department seeks a medical evaluation to
150 determine the need to initiate or continue a psychotropic
151 medication for a child, the department must provide to the
152 evaluating physician all pertinent medical information known to
153 the department concerning that child.

154 Section 37. Effective July 1, 2016, subsection (2) of
155 section 394.4612, Florida Statutes, is amended to read:



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156 394.4612 Integrated adult mental health crisis
157 stabilization and addictions receiving facilities.—

158 (2) An integrated mental health crisis stabilization unit
159 and addictions receiving facility may provide services under
160 this section to adults who are 18 years of age or older and who
161 fall into one ~~or more~~ of the following categories:

162 (a) An adult meeting the requirements for voluntary
163 admission for mental health treatment under s. 394.4625.

164 (b) An adult meeting the criteria for involuntary
165 examination for mental illness under s. 394.463.

166

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

168 And the title is amended as follows:

169 Delete line 265

170 and insert:

171 provisions are not severable; amending s. 948.08,
172 F.S.; expanding the definition of the term "veteran"
173 for purposes of eligibility requirements for a
174 pretrial intervention program; amending s. 948.16,
175 F.S.; expanding the definition of the term "veteran"
176 for purposes of eligibility requirements for a
177 misdemeanor pretrial veterans' treatment intervention
178 program; amending s. 948.21, F.S.; authorizing a court
179 to impose certain conditions on certain probationers
180 or community controllees; amending ss. 1002.20 and