

1 A bill to be entitled
2 An act relating to mental health services in the
3 criminal justice system; amending s. 394.47891, F.S.;
4 expanding eligibility for military veterans and
5 servicemembers court programs; creating s. 394.47892,
6 F.S.; authorizing the creation of treatment-based
7 mental health court programs; providing for
8 eligibility; providing program requirements; providing
9 for an advisory committee; amending s. 910.035, F.S.;
10 defining the term "problem-solving court"; authorizing
11 a person eligible for participation in a problem-
12 solving court to transfer his or her case to another
13 county's problem-solving court under certain
14 circumstances; making technical changes; amending s.
15 916.106, F.S.; redefining the term "court" to include
16 county courts in certain circumstances; amending s.
17 916.17, F.S.; authorizing a county court to order the
18 conditional release of a defendant for the provision
19 of outpatient care and treatment; creating s. 916.185,
20 F.S.; creating the Forensic Hospital Diversion Pilot
21 Program; providing legislative findings and intent;
22 providing definitions; authorizing the Department of
23 Children and Families to implement a Forensic Hospital
24 Diversion Pilot Program in specified judicial
25 circuits; providing for eligibility for the program;
26 providing legislative intent concerning training;

27 | authorizing rulemaking; amending ss. 948.01 and
28 | 948.06, F.S.; providing for courts to order certain
29 | defendants on probation or community control to
30 | postadjudicatory mental health court programs;
31 | amending s. 948.08, F.S.; expanding eligibility
32 | requirements for certain pretrial intervention
33 | programs; providing for voluntary admission into
34 | pretrial mental health court program; amending s.
35 | 948.16, F.S.; expanding eligibility of veterans for a
36 | misdemeanor pretrial veterans' treatment intervention
37 | program; providing eligibility of misdemeanor
38 | defendants for a misdemeanor pretrial mental health
39 | court program; amending s. 948.21, F.S.; expanding
40 | veterans' eligibility for participating in treatment
41 | programs while on court-ordered probation or community
42 | control; amending s. 985.345, F.S.; authorizing
43 | pretrial mental health court programs for certain
44 | juvenile offenders; providing for disposition of
45 | pending charges after completion of the pretrial
46 | intervention program; providing an effective date.

47 |
48 | Be It Enacted by the Legislature of the State of Florida:

49 |
50 | Section 1. Section 394.47891, Florida Statutes, is amended
51 | to read:

52 | 394.47891 Military veterans and servicemembers court

53 | programs.—The chief judge of each judicial circuit may establish
54 | a Military Veterans and Servicemembers Court Program under which
55 | veterans, as defined in s. 1.01, including veterans who were
56 | discharged or released under a general discharge, and
57 | servicemembers, as defined in s. 250.01, who are charged or
58 | convicted of a criminal offense and who suffer from a military-
59 | related mental illness, traumatic brain injury, substance abuse
60 | disorder, or psychological problem can be sentenced in
61 | accordance with chapter 921 in a manner that appropriately
62 | addresses the severity of the mental illness, traumatic brain
63 | injury, substance abuse disorder, or psychological problem
64 | through services tailored to the individual needs of the
65 | participant. Entry into any Military Veterans and Servicemembers
66 | Court Program must be based upon the sentencing court's
67 | assessment of the defendant's criminal history, military
68 | service, substance abuse treatment needs, mental health
69 | treatment needs, amenability to the services of the program, the
70 | recommendation of the state attorney and the victim, if any, and
71 | the defendant's agreement to enter the program.

72 | Section 2. Section 394.47892, Florida Statutes, is created
73 | to read:

74 | 394.47892 Treatment-based mental health court programs.—

75 | (1) Each county may fund a treatment-based mental health
76 | court program under which defendants in the justice system
77 | assessed with a mental illness shall be processed in such a
78 | manner as to appropriately address the severity of the

79 identified mental illness through treatment services tailored to
80 the individual needs of the participant. The Legislature intends
81 to encourage the Department of Corrections, the Department of
82 Children and Families, the Department of Juvenile Justice, the
83 Department of Health, the Department of Law Enforcement, the
84 Department of Education, and other such agencies, local
85 governments, law enforcement agencies, interested public or
86 private entities, and individuals to support the creation and
87 establishment of problem-solving court programs. Participation
88 in treatment-based mental health court programs does not relieve
89 a public or private agency of its responsibility for a child or
90 an adult, but enables these agencies to better meet the child's
91 or adult's needs through shared responsibility and resources.

92 (2) Treatment-based mental health court programs may
93 include pretrial intervention programs as provided in ss.
94 948.08, 948.16, and 985.345, postadjudicatory treatment-based
95 mental health court programs as provided in ss. 948.01 and
96 948.06, and review of the status of compliance or noncompliance
97 of sentenced defendants through a treatment-based mental health
98 court program.

99 (3) Entry into a pretrial treatment-based mental health
100 court program is voluntary.

101 (4) (a) Entry into a postadjudicatory treatment-based
102 mental health court program as a condition of probation or
103 community control pursuant to s. 948.01 or s. 948.06 must be
104 based upon the sentencing court's assessment of the defendant's

105 criminal history, mental health screening outcome, amenability
 106 to the services of the program, and total sentence points; the
 107 recommendation of the state attorney and the victim, if any; and
 108 the defendant's agreement to enter the program.

109 (b) A defendant who is sentenced to a postadjudicatory
 110 mental health court program and who, while a mental health court
 111 participant, is the subject of a violation of probation or
 112 community control under s. 948.06 shall have the violation of
 113 probation or community control heard by the judge presiding over
 114 the postadjudicatory mental health court program. After a
 115 hearing on or admission of the violation, the judge shall
 116 dispose of any such violation as he or she deems appropriate if
 117 the resulting sentence or conditions are lawful.

118 (5) (a) Contingent upon an annual appropriation by the
 119 Legislature, each judicial circuit shall establish, at a
 120 minimum, one coordinator position for the treatment-based mental
 121 health court program within the state courts system to
 122 coordinate the responsibilities of the participating agencies
 123 and service providers. Each coordinator shall provide direct
 124 support to the treatment-based mental health court program by
 125 providing coordination between the multidisciplinary team and
 126 the judiciary, providing case management, monitoring compliance
 127 of the participants in the treatment-based mental health court
 128 program with court requirements, and providing program
 129 evaluation and accountability.

130 (b) Each circuit shall report sufficient client-level and

131 programmatic data to the Office of the State Courts
132 Administrator annually for purposes of program evaluation.
133 Client-level data include primary offenses that resulted in the
134 mental health court referral or sentence, treatment compliance,
135 completion status and reasons for failure to complete, offenses
136 committed during treatment and the sanctions imposed, frequency
137 of court appearances, and units of service. Programmatic data
138 include referral and screening procedures, eligibility criteria,
139 type and duration of treatment offered, and residential
140 treatment resources.

141 (6) If a county chooses to fund a treatment-based mental
142 health court program, the county must secure funding from
143 sources other than the state for those costs not otherwise
144 assumed by the state pursuant to s. 29.004. However, this
145 subsection does not preclude counties from using funds for
146 treatment and other services provided through state executive
147 branch agencies. Counties may provide, by interlocal agreement,
148 for the collective funding of these programs.

149 (7) The chief judge of each judicial circuit may appoint
150 an advisory committee for the treatment-based mental health
151 court program. The committee shall be composed of the chief
152 judge, or his or her designee, who shall serve as chair; the
153 judge of the treatment-based mental health court program, if not
154 otherwise designated by the chief judge as his or her designee;
155 the state attorney, or his or her designee; the public defender,
156 or his or her designee; the treatment-based mental health court

157 program coordinators; community representatives; treatment
 158 representatives; and any other persons that the chair deems
 159 appropriate.

160 Section 3. Subsection (5) of section 910.035, Florida
 161 Statutes, is amended to read:

162 910.035 Transfer from county for plea, and sentence, or
 163 participation in a problem-solving court.-

164 (5) PROBLEM-SOLVING COURTS.-

165 (a) As used in this subsection, the term "problem-solving
 166 court" means a drug court pursuant to s. 948.01, s. 948.06, s.
 167 948.08, s. 948.16, or s. 948.20; a military veterans and
 168 servicemembers court pursuant to s. 394.47891, s. 948.08, s.
 169 948.16, or s. 948.21; a mental health court pursuant to s.
 170 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; or a
 171 delinquency pretrial intervention court program pursuant to s.
 172 985.345.

173 (b) Any person eligible for participation in a problem-
 174 solving drug court shall, upon request by the person or a court,
 175 ~~treatment program pursuant to s. 948.08(6) may be eligible to~~
 176 have the case transferred to a county other than that in which
 177 the charge arose if the person agrees to the transfer and the
 178 ~~drug court program agrees and if the following conditions are~~
 179 ~~met:~~

180 (a) ~~the authorized representative of the trial drug court~~
 181 consults program of the county requesting to transfer the case
 182 ~~shall consult~~ with the authorized representative of the problem-

183 solving drug court program in the county to which transfer is
184 desired, and both representatives agree to the transfer.

185 (c)-(b) If all parties agree to the transfer as required by
186 paragraph (b), approval for transfer is received from all
187 parties, the trial court shall accept a plea of nolo contendere
188 and enter a transfer order directing the clerk to transfer the
189 case to the county that ~~which~~ has accepted the defendant into
190 its problem-solving drug court program.

191 (d)1.(e) When transferring a pretrial problem-solving
192 court case, the transfer order shall include a copy of the
193 probable cause affidavit; any charging documents in the case;
194 all reports, witness statements, test results, evidence lists,
195 and other documents in the case; the defendant's mailing address
196 and phone number; and the defendant's written consent to abide
197 by the rules and procedures of the receiving county's problem-
198 solving drug court program.

199 2. When transferring a postadjudicatory problem-solving
200 court case, the transfer order shall include a copy of the
201 charging documents in the case; the final disposition; all
202 reports, test results, and other documents in the case; the
203 defendant's mailing address and telephone number; and the
204 defendant's written consent to abide by the rules and procedures
205 of the receiving county's problem-solving court.

206 (e)-(d) After the transfer takes place, the clerk shall set
207 the matter for a hearing before the problem-solving drug court
208 to program judge and the court shall ensure the defendant's

CS/HB 7113

2015

209 entry into the problem-solving ~~drug~~ court ~~program~~.

210 ~~(f)(e)~~ Upon successful completion of the problem-solving
 211 ~~drug~~ court program, the jurisdiction to which the case has been
 212 transferred shall dispose of the case ~~pursuant to s. 948.08(6)~~.
 213 If the defendant does not complete the problem-solving ~~drug~~
 214 court program successfully, the jurisdiction to which the case
 215 has been transferred shall dispose of the case within the
 216 guidelines of the Criminal Punishment Code.

217 Section 4. Subsection (5) of section 916.106, Florida
 218 Statutes, is amended to read:

219 916.106 Definitions.—For the purposes of this chapter, the
 220 term:

221 (5) "Court" means the circuit court and a county court
 222 ordering the conditional release of a defendant as provided in
 223 s. 916.17.

224 Section 5. Subsection (1) of section 916.17, Florida
 225 Statutes, is amended to read:

226 916.17 Conditional release.—

227 (1) Except for an inmate currently serving a prison
 228 sentence, the committing court may order a conditional release
 229 of any defendant in lieu of an involuntary commitment to a
 230 facility pursuant to s. 916.13 or s. 916.15 based upon an
 231 approved plan for providing appropriate outpatient care and
 232 treatment. A county court may order the conditional release of a
 233 defendant for purposes of the provision of outpatient care and
 234 treatment only. Upon a recommendation that outpatient treatment

235 of the defendant is appropriate, a written plan for outpatient
236 treatment, including recommendations from qualified
237 professionals, must be filed with the court, with copies to all
238 parties. Such a plan may also be submitted by the defendant and
239 filed with the court with copies to all parties. The plan shall
240 include:

241 (a) Special provisions for residential care or adequate
242 supervision of the defendant.

243 (b) Provisions for outpatient mental health services.

244 (c) If appropriate, recommendations for auxiliary services
245 such as vocational training, educational services, or special
246 medical care.

247

248 In its order of conditional release, the court shall specify the
249 conditions of release based upon the release plan and shall
250 direct the appropriate agencies or persons to submit periodic
251 reports to the court regarding the defendant's compliance with
252 the conditions of the release and progress in treatment, with
253 copies to all parties.

254 Section 6. Section 916.185, Florida Statutes, is created
255 to read:

256 916.185 Forensic Hospital Diversion Pilot Program.—

257 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
258 that many jail inmates who have serious mental illnesses and who
259 are committed to state forensic mental health treatment
260 facilities for restoration of competency to proceed could be

261 served more effectively and at less cost in community-based
262 alternative programs. The Legislature further finds that many
263 people who have serious mental illnesses and who have been
264 discharged from state forensic mental health treatment
265 facilities could avoid returning to the criminal justice and
266 forensic mental health systems if they received specialized
267 treatment in the community. Therefore, it is the intent of the
268 Legislature to create the Forensic Hospital Diversion Pilot
269 Program to serve offenders who have mental illnesses or co-
270 occurring mental illnesses and substance use disorders and who
271 are involved in or at risk of entering state forensic mental
272 health treatment facilities, prisons, jails, or state civil
273 mental health treatment facilities.

274 (2) DEFINITIONS.—As used in this section, the term:

275 (a) "Best practices" means treatment services that
276 incorporate the most effective and acceptable interventions
277 available in the care and treatment of offenders who are
278 diagnosed as having mental illnesses or co-occurring mental
279 illnesses and substance use disorders.

280 (b) "Community forensic system" means the community mental
281 health and substance use forensic treatment system, including
282 the comprehensive set of services and supports provided to
283 offenders involved in or at risk of becoming involved in the
284 criminal justice system.

285 (c) "Evidence-based practices" means interventions and
286 strategies that, based on the best available empirical research,

287 demonstrate effective and efficient outcomes in the care and
288 treatment of offenders who are diagnosed as having mental
289 illnesses or co-occurring mental illnesses and substance use
290 disorders.

291 (3) CREATION.—There is created a Forensic Hospital
292 Diversion Pilot Program to provide competency-restoration and
293 community-reintegration services in either a locked residential
294 treatment facility when appropriate or a community-based
295 facility based on considerations of public safety, the needs of
296 the individual, and available resources.

297 (a) The department may implement a Forensic Hospital
298 Diversion Pilot Program modeled after the Miami-Dade Forensic
299 Alternative Center, taking into account local needs and
300 resources, in Escambia County, in conjunction with the First
301 Judicial Circuit in Escambia County; in Hillsborough County, in
302 conjunction with the Thirteenth Judicial Circuit in Hillsborough
303 County; and in Miami-Dade County, in conjunction with the
304 Eleventh Judicial Circuit in Miami-Dade County.

305 (b) If the department elects to create and implement the
306 program, the department shall include a comprehensive continuum
307 of care and services that use evidence-based practices and best
308 practices to treat offenders who have mental health and co-
309 occurring substance use disorders.

310 (c) The department and the corresponding judicial circuits
311 may implement this section if existing resources are available
312 to do so on a recurring basis. The department may request budget

313 amendments pursuant to chapter 216 to realign funds between
314 mental health services and community substance abuse and mental
315 health services in order to implement this pilot program.

316 (4) ELIGIBILITY.—Participation in the Forensic Hospital
317 Diversion Pilot Program is limited to offenders who:

318 (a) Are 18 years of age or older.

319 (b) Are charged with a felony of the second degree or a
320 felony of the third degree.

321 (c) Do not have a significant history of violent criminal
322 offenses.

323 (d) Are adjudicated incompetent to proceed to trial or not
324 guilty by reason of insanity pursuant to this part.

325 (e) Meet public safety and treatment criteria established
326 by the department for placement in a community setting.

327 (f) Otherwise would be admitted to a state mental health
328 treatment facility.

329 (5) TRAINING.—The Legislature encourages the Florida
330 Supreme Court, in consultation and cooperation with the Florida
331 Supreme Court Task Force on Substance Abuse and Mental Health
332 Issues in the Courts, to develop educational training for judges
333 in the pilot program areas which focuses on the community
334 forensic system.

335 (6) RULEMAKING.—The department may adopt rules to
336 administer this section.

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

339 948.01 When court may place defendant on probation or into
340 community control.-

341 (8) (a) Notwithstanding s. 921.0024 and effective for
342 offenses committed on or after July 1, 2015, the sentencing
343 court may place the defendant into a postadjudicatory treatment-
344 based mental health court program if the offense is a nonviolent
345 felony, the defendant is amenable to mental health treatment,
346 including taking prescribed medications, and the defendant is
347 otherwise qualified under s. 394.47892(4). The satisfactory
348 completion of the program must be a condition of the defendant's
349 probation or community control. As used in this subsection, the
350 term "nonviolent felony" means a third degree felony violation
351 under chapter 810 or any other felony offense that is not a
352 forcible felony as defined in s. 776.08. Defendants charged with
353 resisting an officer with violence under s. 843.01, battery on a
354 law enforcement officer under s. 784.07, or aggravated assault
355 may participate in the mental health court program if the court
356 so orders after the victim is given his or her right to provide
357 testimony or written statement to the court as provided in s.
358 921.143.

359 (b) The defendant must be fully advised of the purpose of
360 the program and the defendant must agree to enter the program.
361 The original sentencing court shall relinquish jurisdiction of
362 the defendant's case to the postadjudicatory treatment-based
363 mental health court program until the defendant is no longer
364 active in the program, the case is returned to the sentencing

365 court due to the defendant's termination from the program for
 366 failure to comply with the terms thereof, or the defendant's
 367 sentence is completed.

368 (c) The Department of Corrections may establish designated
 369 mental health probation officers to support individuals under
 370 supervision of the mental health court.

371 Section 8. Paragraph (j) is added to subsection (2) of
 372 section 948.06, Florida Statutes, to read:

373 948.06 Violation of probation or community control;
 374 revocation; modification; continuance; failure to pay
 375 restitution or cost of supervision.—

376 (2)

377 (j)1. Notwithstanding s. 921.0024 and effective for
 378 offenses committed on or after July 1, 2015, the court may order
 379 the offender to successfully complete a postadjudicatory
 380 treatment-based mental health court program under s. 394.47892
 381 or a military veterans and servicemembers court program under s.
 382 394.47891 if:

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

385 b. The underlying offense is a nonviolent felony. As used
 386 in this subsection, the term "nonviolent felony" means a third
 387 degree felony violation under chapter 810 or any other felony
 388 offense that is not a forcible felony as defined in s. 776.08.
 389 Offenders charged with resisting an officer with violence under
 390 s. 843.01, battery on a law enforcement officer under s. 784.07,

391 or aggravated assault may participate in the mental health court
392 program if the court so orders after the victim is given his or
393 her right to provide testimony or written statement to the court
394 as provided in s. 921.143.

395 c. The court determines that the offender is amenable to
396 the services of a postadjudicatory treatment-based mental health
397 court program, including taking prescribed medications, or a
398 military veterans and servicemembers court program.

399 d. The court explains the purpose of the program to the
400 offender and the offender agrees to participate.

401 e. The offender is otherwise qualified to participate in a
402 postadjudicatory treatment-based mental health court program
403 under s. 394.47892(4) or a military veterans and servicemembers
404 court program under s. 394.47891.

405 2. After the court orders the modification of community
406 control or probation, the original sentencing court shall
407 relinquish jurisdiction of the offender's case to the
408 postadjudicatory treatment-based mental health court program
409 until the offender is no longer active in the program, the case
410 is returned to the sentencing court due to the offender's
411 termination from the program for failure to comply with the
412 terms thereof, or the offender's sentence is completed.

413 Section 9. Subsection (8) of section 948.08, Florida
414 Statutes, is renumbered as subsection (9), paragraph (a) of
415 subsection (7) is amended, and a new subsection (8) is added to
416 that section, to read:

417 948.08 Pretrial intervention program.—

418 (7) (a) Notwithstanding any provision of this section, a
419 person who is charged with a felony, other than a felony listed
420 in s. 948.06(8) (c), and identified as a veteran, as defined in
421 s. 1.01, including veterans who were discharged or released
422 under a general discharge, or servicemember, as defined in s.
423 250.01, who suffers from a military service-related mental
424 illness, traumatic brain injury, substance abuse disorder, or
425 psychological problem, is eligible for voluntary admission into
426 a pretrial veterans' treatment intervention program approved by
427 the chief judge of the circuit, upon motion of either party or
428 the court's own motion, except:

429 1. If a defendant was previously offered admission to a
430 pretrial veterans' treatment intervention program at any time
431 before trial and the defendant rejected that offer on the
432 record, the court may deny the defendant's admission to such a
433 program.

434 2. If a defendant previously entered a court-ordered
435 veterans' treatment program, the court may deny the defendant's
436 admission into the pretrial veterans' treatment program.

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

440 1. A nonviolent felony that includes a third degree felony
441 violation of chapter 810 or any other felony offense that is not
442 a forcible felony as defined in s. 776.08;

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

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

449 4. Aggravated assault where the victim and state attorney
450 consent to the defendant's participation,

451
452 is eligible for voluntary admission into a pretrial mental
453 health court program, established pursuant to s. 394.47892, and
454 approved by the chief judge of the circuit, for a period to be
455 determined by the risk and needs assessment of the defendant,
456 upon motion of either party or the court's own motion.

457 (b) At the end of the pretrial intervention period, the
458 court shall consider the recommendation of the treatment
459 provider and the recommendation of the state attorney as to
460 disposition of the pending charges. The court shall determine,
461 by written finding, whether the defendant has successfully
462 completed the pretrial intervention program. If the court finds
463 that the defendant has not successfully completed the pretrial
464 intervention program, the court may order the person to continue
465 in education and treatment, which may include a mental health
466 program offered by a licensed service provider, as defined in s.
467 394.455, or order that the charges revert to normal channels for
468 prosecution. The court shall dismiss the charges upon a finding

469 that the defendant has successfully completed the pretrial
470 intervention program.

471 Section 10. Subsections (3) and (4) of section 948.16,
472 Florida Statutes, are renumbered as subsections (4) and (5),
473 respectively, paragraph (a) of subsection (2) and present
474 subsection (4) are amended, and a new subsection (3) is added to
475 that section, to read:

476 948.16 Misdemeanor pretrial substance abuse education and
477 treatment intervention program; misdemeanor pretrial veterans'
478 treatment intervention program; misdemeanor pretrial mental
479 health court program.—

480 (2) (a) A veteran, as defined in s. 1.01, including
481 veterans who were discharged or released under a general
482 discharge, or servicemember, as defined in s. 250.01, who
483 suffers from a military service-related mental illness,
484 traumatic brain injury, substance abuse disorder, or
485 psychological problem, and who is charged with a misdemeanor is
486 eligible for voluntary admission into a misdemeanor pretrial
487 veterans' treatment intervention program approved by the chief
488 judge of the circuit, for a period based on the program's
489 requirements and the treatment plan for the offender, upon
490 motion of either party or the court's own motion. However, the
491 court may deny the defendant admission into a misdemeanor
492 pretrial veterans' treatment intervention program if the
493 defendant has previously entered a court-ordered veterans'
494 treatment program.

495 (3) A defendant who is charged with a misdemeanor and
496 identified as having a mental illness is eligible for voluntary
497 admission into a misdemeanor pretrial mental health court
498 program established pursuant to s. 394.47892, approved by the
499 chief judge of the circuit, for a period to be determined by the
500 risk and needs assessment of the defendant, upon motion of
501 either party or the court's own motion.

502 (5)~~(4)~~ Any public or private entity providing a pretrial
503 substance abuse education and treatment program or mental health
504 program under this section shall contract with the county or
505 appropriate governmental entity. The terms of the contract shall
506 include, but not be limited to, the requirements established for
507 private entities under s. 948.15(3). This requirement does not
508 apply to services provided by the Department of Veterans'
509 Affairs or the United States Department of Veterans Affairs.

510 Section 11. Section 948.21, Florida Statutes, is amended
511 to read:

512 948.21 Condition of probation or community control;
513 military servicemembers and veterans.—

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

521 or community controllee to participate in a treatment program
522 capable of treating the probationer or community controllee's
523 mental illness, traumatic brain injury, substance abuse
524 disorder, or psychological problem.

525 (2) Effective for a probationer or community controllee
526 whose crime is committed on or after July 1, 2015, and who is a
527 veteran, as defined in s. 1.01, including veterans who were
528 discharged or released under a general discharge, or
529 servicemember, as defined in s. 250.01, who suffers from a
530 military service-related mental illness, traumatic brain injury,
531 substance abuse disorder, or psychological problem, the court
532 may, in addition to any other conditions imposed, impose a
533 condition requiring the probationer or community controllee to
534 participate in a treatment program capable of treating the
535 probationer or community controllee's mental illness, traumatic
536 brain injury, substance abuse disorder, or psychological
537 problem.

538 (3) The court shall give preference to treatment programs
539 for which the probationer or community controllee is eligible
540 through the United States Department of Veterans Affairs or the
541 Florida Department of Veterans' Affairs. The Department of
542 Corrections is not required to spend state funds to implement
543 this section.

544 Section 12. Subsection (4) of section 985.345, Florida
545 Statutes, is renumbered as subsection (7) and amended, and new
546 subsections (4) through (6) are added to that section, to read:

547 985.345 Delinquency pretrial intervention program.—
548 (4) Notwithstanding any other provision of law, a child is
549 eligible for voluntary admission into a delinquency pretrial
550 mental health court program, established pursuant to s.
551 394.47892, approved by the chief judge of the circuit, for a
552 period based on the program requirements and the treatment
553 services that are suitable for the child, upon motion of either
554 party or the court's own motion if the child is charged with:
555 (a) A misdemeanor;
556 (b) A nonviolent felony; for purposes of this subsection,
557 the term "nonviolent felony" means a third degree felony
558 violation of chapter 810 or any other felony offense that is not
559 a forcible felony as defined in s. 776.08;
560 (c) Resisting an officer with violence under s. 843.01, if
561 the law enforcement officer and state attorney consent to the
562 child's participation;
563 (d) Battery on a law enforcement officer under 784.07, if
564 the law enforcement officer and state attorney consent to the
565 child's participation; or
566 (e) Aggravated assault, if the victim and state attorney
567 consent to the child's participation,
568
569 and the child is identified as having a mental illness and has
570 not been previously adjudicated for a felony.
571 (5) At the end of the delinquency pretrial intervention
572 period, the court shall consider the recommendation of the state

573 attorney and the program administrator as to disposition of the
574 pending charges. The court shall determine, by written finding,
575 whether the child has successfully completed the delinquency
576 pretrial intervention program. If the court finds that the child
577 has not successfully completed the delinquency pretrial
578 intervention program, the court may order the child to continue
579 in an education, treatment, or monitoring program if resources
580 and funding are available or order that the charges revert to
581 normal channels for prosecution. The court may dismiss the
582 charges upon a finding that the child has successfully completed
583 the delinquency pretrial intervention program.

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

588 (7)~~(4)~~ Any entity, whether public or private, providing
589 pretrial substance abuse education, treatment intervention, and
590 a urine monitoring program, or a mental health program under
591 this section must contract with the county or appropriate
592 governmental entity, and the terms of the contract must include,
593 but need not be limited to, the requirements established for
594 private entities under s. 948.15(3). It is the intent of the
595 Legislature that public or private entities providing substance
596 abuse education and treatment intervention programs involve the
597 active participation of parents, schools, churches, businesses,
598 law enforcement agencies, and the department or its contract

CS/HB 7113

2015

599 providers.

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