

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Children, Families &  
 2 Seniors Subcommittee  
 3 Representative McBurney offered the following:  
 4

**Amendment (with title amendment)**

6 Remove lines 71-552 and insert:

7 394.47892 Mental health court programs.-

8 (1) Each county may fund a mental health court program  
 9 under which a defendant in the justice system assessed with a  
 10 mental illness shall be processed in such a manner as to  
 11 appropriately address the severity of the identified mental  
 12 illness through treatment services tailored to the individual  
 13 needs of the participant. The Legislature intends to encourage  
 14 the department, the Department of Corrections, the Department of  
 15 Juvenile Justice, the Department of Health, the Department of  
 16 Law Enforcement, the Department of Education, and other such  
 17 agencies, local governments, law enforcement agencies,

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18 interested public or private entities, and individuals to  
19 support the creation and establishment of problem-solving court  
20 programs. Participation in a mental health court program does  
21 not relieve a public or private agency of its responsibility for  
22 a child or an adult, but enables such agency to better meet the  
23 child's or adult's needs through shared responsibility and  
24 resources.

25 (2) Mental health court programs may include pretrial  
26 intervention programs as provided in ss. 948.08, 948.16, and  
27 985.345, postadjudicatory mental health court programs as  
28 provided in ss. 948.01 and 948.06, and review of the status of  
29 compliance or noncompliance of sentenced defendants through a  
30 mental health court program.

31 (3) Entry into a pretrial mental health court program is  
32 voluntary.

33 (4) (a) Entry into a postadjudicatory mental health court  
34 program as a condition of probation or community control  
35 pursuant to s. 948.01 or s. 948.06 must be based upon the  
36 sentencing court's assessment of the defendant's criminal  
37 history, mental health screening outcome, amenability to the  
38 services of the program, and total sentence points; the  
39 recommendation of the state attorney and the victim, if any; and  
40 the defendant's agreement to enter the program.

41 (b) A defendant who is sentenced to a postadjudicatory  
42 mental health court program and who, while a mental health court  
43 program participant, is the subject of a violation of probation

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44 or community control under s. 948.06 shall have the violation of  
45 probation or community control heard by the judge presiding over  
46 the postadjudicatory mental health court program. After a  
47 hearing on or admission of the violation, the judge shall  
48 dispose of any such violation as he or she deems appropriate if  
49 the resulting sentence or conditions are lawful.

50 (5) (a) Contingent upon an annual appropriation by the  
51 Legislature, the state courts system shall establish, at a  
52 minimum, one coordinator position in each mental health court  
53 program to coordinate the responsibilities of the participating  
54 agencies and service providers. Each coordinator shall provide  
55 direct support to the mental health court program by providing  
56 coordination between the multidisciplinary team and the  
57 judiciary, providing case management, monitoring compliance of  
58 the participants in the mental health court program with court  
59 requirements, and managing the collection of data for program  
60 evaluation and accountability.

61 (b) Each mental health court program shall collect  
62 sufficient client-level data and programmatic information for  
63 purposes of program evaluation. Client-level data include  
64 primary offenses that resulted in the mental health court  
65 program referral or sentence, treatment compliance, completion  
66 status and reasons for failure to complete, offenses committed  
67 during treatment and the sanctions imposed, frequency of court  
68 appearances, and units of service. Programmatic information  
69 includes referral and screening procedures, eligibility

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70 criteria, type and duration of treatment offered, and  
71 residential treatment resources. The programmatic information  
72 and aggregate data on the number of mental health court program  
73 admissions and terminations by type of termination shall be  
74 reported annually by each mental health court program to the  
75 Office of the State Courts Administrator.

76 (6) If a county chooses to fund a mental health court  
77 program, the county must secure funding from sources other than  
78 the state for those costs not otherwise assumed by the state  
79 pursuant to s. 29.004. However, this subsection does not  
80 preclude counties from using funds for treatment and other  
81 services provided through state executive branch agencies.  
82 Counties may provide, by interlocal agreement, for the  
83 collective funding of these programs.

84 (7) The chief judge of each judicial circuit may appoint  
85 an advisory committee for the mental health court program. The  
86 committee shall be composed of the chief judge, or his or her  
87 designee, who shall serve as chair; the judge of the mental  
88 health court program, if not otherwise designated by the chief  
89 judge as his or her designee; the state attorney, or his or her  
90 designee; the public defender, or his or her designee; the  
91 mental health court program coordinators; community  
92 representatives; treatment representatives; and any other  
93 persons who the chair deems appropriate.

94 Section 3. Paragraph (a) of subsection (5) of section  
95 910.035, Florida Statutes, is amended to read:

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96 910.035 Transfer from county for plea, sentence, or  
97 participation in a problem-solving court.-

98 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING  
99 COURT.-

100 (a) For purposes of this subsection, the term "problem-  
101 solving court" means a drug court pursuant to s. 948.01, s.  
102 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'  
103 and servicemembers' court pursuant to s. 394.47891, s. 948.08,  
104 s. 948.16, or s. 948.21; ~~or~~ a mental health court program  
105 pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s.  
106 948.16; or a delinquency pretrial intervention court program  
107 pursuant to s. 985.345.

108 Section 4. Section 916.185, Florida Statutes, is created  
109 to read:

110 916.185 Forensic Hospital Diversion Pilot Program.-

111 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds  
112 that many jail inmates who have serious mental illnesses and who  
113 are committed to state forensic mental health treatment  
114 facilities for restoration of competency to proceed could be  
115 served more effectively and at less cost in community-based  
116 alternative programs. The Legislature further finds that many  
117 people who have serious mental illnesses and who have been  
118 discharged from state forensic mental health treatment  
119 facilities could avoid returning to the criminal justice and  
120 forensic mental health systems if they received specialized  
121 treatment in the community. Therefore, it is the intent of the

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122 Legislature to create the Forensic Hospital Diversion Pilot  
123 Program to serve offenders who have mental illnesses or co-  
124 occurring mental illnesses and substance use disorders and who  
125 are involved in or at risk of entering state forensic mental  
126 health treatment facilities, prisons, jails, or state civil  
127 mental health treatment facilities.

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

129 (a) "Best practices" means treatment services that  
130 incorporate the most effective and acceptable interventions  
131 available in the care and treatment of offenders who are  
132 diagnosed as having mental illnesses or co-occurring mental  
133 illnesses and substance use disorders.

134 (b) "Community forensic system" means the community mental  
135 health and substance use forensic treatment system, including  
136 the comprehensive set of services and supports provided to  
137 offenders involved in or at risk of becoming involved in the  
138 criminal justice system.

139 (c) "Evidence-based practices" means interventions and  
140 strategies that, based on the best available empirical research,  
141 demonstrate effective and efficient outcomes in the care and  
142 treatment of offenders who are diagnosed as having mental  
143 illnesses or co-occurring mental illnesses and substance use  
144 disorders.

145 (3) CREATION.—There is created a Forensic Hospital  
146 Diversion Pilot Program to provide competency-restoration and  
147 community-reintegration services in either a locked residential

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148 treatment facility when appropriate or a community-based  
149 facility based on considerations of public safety, the needs of  
150 the individual, and available resources.

151 (a) The department shall implement a Forensic Hospital  
152 Diversion Pilot Program modeled after the Miami-Dade Forensic  
153 Alternative Center, taking into account local needs and  
154 resources in Duval County, in conjunction with the Fourth  
155 Judicial Circuit in Duval County; in Broward County, in  
156 conjunction with the Seventeenth Judicial Circuit in Broward  
157 County; and in Miami-Dade County, in conjunction with the  
158 Eleventh Judicial Circuit in Miami-Dade County.

159 (b) The department shall include a comprehensive continuum  
160 of care and services that use evidence-based practices and best  
161 practices to treat offenders who have mental health and co-  
162 occurring substance use disorders.

163 (c) The department and the corresponding judicial circuits  
164 shall implement this section. The department may request budget  
165 amendments pursuant to chapter 216 to realign funds between  
166 mental health services and community substance abuse and mental  
167 health services in order to implement this pilot program.

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

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

171 (b) Are charged with a felony of the second degree or a  
172 felony of the third degree.

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173 (c) Do not have a significant history of violent criminal  
174 offenses.

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

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

179 (f) Otherwise would be admitted to a state mental health  
180 treatment facility.

181 (5) TRAINING.—The Legislature encourages the Florida  
182 Supreme Court, in consultation and cooperation with the Florida  
183 Supreme Court Task Force on Substance Abuse and Mental Health  
184 Issues in the Courts, to develop educational training for judges  
185 in the pilot program areas which focuses on the community  
186 forensic system.

187 (6) RULEMAKING.—The department may adopt rules to  
188 administer this section.

189 Section 5. Present subsections (6) through (13) of section  
190 948.001, Florida Statutes, are renumbered as subsections (7)  
191 through (14), respectively, and new subsection (6) is added to  
192 that section, to read:

193 948.001 Definitions.—As used in this chapter, the term:

194 (6) "Mental health probation" means a form of specialized  
195 supervision that emphasizes mental health treatment and working  
196 with treatment providers to focus on the underlying mental  
197 health disorders and compliance with a prescribed psychotropic  
198 medication regimen in accordance with individualized treatment



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199 plans. Mental health probation shall be supervised by officers  
200 with restricted caseloads who are sensitized to the unique needs  
201 of individuals with mental health disorders, and who will work  
202 in tandem with community mental health case managers assigned to  
203 the defendant. Caseloads of such officers should be restricted  
204 to a maximum of 50 cases per officer in order to ensure an  
205 adequate level of staffing and supervision.

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

208 948.01 When court may place defendant on probation or into  
209 community control.—

210 (8) (a) Notwithstanding s. 921.0024 and effective for  
211 offenses committed on or after July 1, 2016, the sentencing  
212 court may place the defendant into a postadjudicatory mental  
213 health court program if the offense is a nonviolent felony, the  
214 defendant is amenable to mental health treatment, including  
215 taking prescribed medications, and the defendant is otherwise  
216 qualified under s. 394.47892(4). The satisfactory completion of  
217 the program must be a condition of the defendant's probation or  
218 community control. As used in this subsection, the term  
219 "nonviolent felony" means a third degree felony violation under  
220 chapter 810 or any other felony offense that is not a forcible  
221 felony as defined in s. 776.08. Defendants charged with  
222 resisting an officer with violence under s. 843.01, battery on a  
223 law enforcement officer under s. 784.07, or aggravated assault  
224 may participate in the mental health court program if the court

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225 so orders after the victim is given his or her right to provide  
226 testimony or written statement to the court as provided in s.  
227 921.143.

228 (b) The defendant must be fully advised of the purpose of  
229 the mental health court program and the defendant must agree to  
230 enter the program. The original sentencing court shall  
231 relinquish jurisdiction of the defendant's case to the  
232 postadjudicatory mental health court program until the defendant  
233 is no longer active in the program, the case is returned to the  
234 sentencing court due to the defendant's termination from the  
235 program for failure to comply with the terms thereof, or the  
236 defendant's sentence is completed.

237 (c) The Department of Corrections may establish designated  
238 and trained mental health probation officers to support  
239 individuals under supervision of the mental health court  
240 program.

241 Section 7. Paragraph (j) is added to subsection (2) of  
242 section 948.06, Florida Statutes, to read:

243 948.06 Violation of probation or community control;  
244 revocation; modification; continuance; failure to pay  
245 restitution or cost of supervision.—

246 (2)

247 (j)1. Notwithstanding s. 921.0024 and effective for  
248 offenses committed on or after July 1, 2016, the court may order  
249 the offender to successfully complete a postadjudicatory mental

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250 health court program under s. 394.47892 or a military veterans  
251 and servicemembers court program under s. 394.47891 if:

252 a. The court finds or the offender admits that the  
253 offender has violated his or her community control or probation;

254 b. The underlying offense is a nonviolent felony. As used  
255 in this subsection, the term "nonviolent felony" means a third  
256 degree felony violation under chapter 810 or any other felony  
257 offense that is not a forcible felony as defined in s. 776.08.  
258 Offenders charged with resisting an officer with violence under  
259 s. 843.01, battery on a law enforcement officer under s. 784.07,  
260 or aggravated assault may participate in the mental health court  
261 program if the court so orders after the victim is given his or  
262 her right to provide testimony or written statement to the court  
263 as provided in s. 921.143;

264 c. The court determines that the offender is amenable to  
265 the services of a postadjudicatory mental health court program,  
266 including taking prescribed medications, or a military veterans  
267 and servicemembers court program;

268 d. The court explains the purpose of the program to the  
269 offender and the offender agrees to participate; and

270 e. The offender is otherwise qualified to participate in a  
271 postadjudicatory mental health court program under s.  
272 394.47892(4) or a military veterans and servicemembers court  
273 program under s. 394.47891.

274 2. After the court orders the modification of community  
275 control or probation, the original sentencing court shall

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276 relinquish jurisdiction of the offender's case to the  
277 postadjudicatory mental health court program until the offender  
278 is no longer active in the program, the case is returned to the  
279 sentencing court due to the offender's termination from the  
280 program for failure to comply with the terms thereof, or the  
281 offender's sentence is completed.

282 Section 8. Present subsection (8) of section 948.08,  
283 Florida Statutes, is renumbered as subsection (9), paragraph (a)  
284 of subsection (7) is amended, and a new subsection (8) is added  
285 to that section, to read:

286 948.08 Pretrial intervention program.—

287 (7) (a) Notwithstanding any provision of this section, a  
288 person who is charged with a felony, other than a felony listed  
289 in s. 948.06(8)(c), and identified as a veteran, as defined in  
290 s. 1.01, including a veteran who was discharged or released  
291 under a general discharge, or servicemember, as defined in s.  
292 250.01, who suffers from a military service-related mental  
293 illness, traumatic brain injury, substance abuse disorder, or  
294 psychological problem, is eligible for voluntary admission into  
295 a pretrial veterans' treatment intervention program approved by  
296 the chief judge of the circuit, upon motion of either party or  
297 the court's own motion, except:

298 1. If a defendant was previously offered admission to a  
299 pretrial veterans' treatment intervention program at any time  
300 before trial and the defendant rejected that offer on the

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301 record, the court may deny the defendant's admission to such a  
302 program.

303 2. If a defendant previously entered a court-ordered  
304 veterans' treatment program, the court may deny the defendant's  
305 admission into the pretrial veterans' treatment program.

306 (8) (a) Notwithstanding any provision of this section, a  
307 defendant is eligible for voluntary admission into a pretrial  
308 mental health court program established pursuant to s. 394.47892  
309 and approved by the chief judge of the circuit for a period to  
310 be determined by the court, based on the clinical needs of the  
311 defendant, upon motion of either party or the court's own motion  
312 if:

313 1. The defendant is identified as having a mental illness;

314 2. The defendant has not been convicted of a felony; and

315 3. The defendant is charged with:

316 a. A nonviolent felony that includes a third degree felony  
317 violation of chapter 810 or any other felony offense that is not  
318 a forcible felony as defined in s. 776.08;

319 b. Resisting an officer with violence under s. 843.01, if  
320 the law enforcement officer and state attorney consent to the  
321 defendant's participation;

322 c. Battery on a law enforcement officer under s. 784.07,  
323 if the law enforcement officer and state attorney consent to the  
324 defendant's participation; or

325 d. Aggravated assault, if the victim and state attorney  
326 consent to the defendant's participation.

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327 (b) At the end of the pretrial intervention period, the  
328 court shall consider the recommendation of the program  
329 administrator and the recommendation of the state attorney as to  
330 disposition of the pending charges. The court shall determine,  
331 by written finding, whether the defendant has successfully  
332 completed the pretrial intervention program. If the court finds  
333 that the defendant has not successfully completed the pretrial  
334 intervention program, the court may order the person to continue  
335 in education and treatment, which may include a mental health  
336 program offered by a licensed service provider, as defined in s.  
337 394.455, or order that the charges revert to normal channels for  
338 prosecution. The court shall dismiss the charges upon a finding  
339 that the defendant has successfully completed the pretrial  
340 intervention program.

341 Section 9. Present subsections (3) and (4) of section  
342 948.16, Florida Statutes, are renumbered as subsections (4) and  
343 (5), respectively, paragraph (a) of subsection (2) and present  
344 subsection (4) of that section are amended, and a new subsection  
345 (3) is added to that section, to read:

346 948.16 Misdemeanor pretrial substance abuse education and  
347 treatment intervention program; misdemeanor pretrial veterans'  
348 treatment intervention program; misdemeanor pretrial mental  
349 health court program.-

350 (2) (a) A veteran, as defined in s. 1.01, including a  
351 veteran who was discharged or released under a general  
352 discharge, or servicemember, as defined in s. 250.01, who

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353 suffers from a military service-related mental illness,  
354 traumatic brain injury, substance abuse disorder, or  
355 psychological problem, and who is charged with a misdemeanor is  
356 eligible for voluntary admission into a misdemeanor pretrial  
357 veterans' treatment intervention program approved by the chief  
358 judge of the circuit, for a period based on the program's  
359 requirements and the treatment plan for the offender, upon  
360 motion of either party or the court's own motion. However, the  
361 court may deny the defendant admission into a misdemeanor  
362 pretrial veterans' treatment intervention program if the  
363 defendant has previously entered a court-ordered veterans'  
364 treatment program.

365 (3) A defendant who is charged with a misdemeanor and  
366 identified as having a mental illness is eligible for voluntary  
367 admission into a misdemeanor pretrial mental health court  
368 program established pursuant to s. 394.47892, approved by the  
369 chief judge of the circuit, for a period to be determined by the  
370 court, based on the clinical needs of the defendant, upon motion  
371 of either party or the court's own motion.

372 (5)-(4) Any public or private entity providing a pretrial  
373 substance abuse education and treatment program or mental health  
374 court program under this section shall contract with the county  
375 or appropriate governmental entity. The terms of the contract  
376 shall include, but not be limited to, the requirements  
377 established for private entities under s. 948.15(3). This  
378 requirement does not apply to services provided by the

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379 Department of Veterans' Affairs or the United States Department  
380 of Veterans Affairs.

381 Section 10. Section 948.21, Florida Statutes, is amended  
382 to read:

383 948.21 Condition of probation or community control;  
384 military servicemembers and veterans.—

385 (1) Effective for a probationer or community controllee  
386 whose crime is ~~was~~ committed on or after July 1, 2012, and who  
387 is a veteran, as defined in s. 1.01, or servicemember, as  
388 defined in s. 250.01, who suffers from a military service-  
389 related mental illness, traumatic brain injury, substance abuse  
390 disorder, or psychological problem, the court may, in addition  
391 to any other conditions imposed, impose a condition requiring  
392 the probationer or community controllee to participate in a  
393 treatment program capable of treating the probationer's  
394 ~~probationer~~ or community controllee's mental illness, traumatic  
395 brain injury, substance abuse disorder, or psychological  
396 problem.

397 (2) Effective for a probationer or community controllee  
398 whose crime is committed on or after July 1, 2016, and who is a  
399 veteran, as defined in s. 1.01, including a veteran who was  
400 discharged or released under a general discharge, or  
401 servicemember, as defined in s. 250.01, who suffers from a  
402 military service-related mental illness, traumatic brain injury,  
403 substance abuse disorder, or psychological problem, the court  
404 may, in addition to any other conditions imposed, impose a



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405 condition requiring the probationer or community controllee to  
406 participate in a treatment program capable of treating the  
407 probationer's or community controllee's mental illness,  
408 traumatic brain injury, substance abuse disorder, or  
409 psychological problem.

410 (3) The court shall give preference to treatment programs  
411 for which the probationer or community controllee is eligible  
412 through the United States Department of Veterans Affairs or the  
413 Florida Department of Veterans' Affairs. The Department of  
414 Corrections is not required to spend state funds to implement  
415 this section.

416 Section 11. Present subsection (4) of section 985.345,  
417 Florida Statutes, is renumbered as subsection (7) and amended,  
418 and new subsections (4), (5), and (6) are added to that section,  
419 to read:

420 985.345 Delinquency pretrial intervention program.—

421 (4) Notwithstanding any other provision of law, a child  
422 who has been identified as having a mental illness and who has  
423 not been previously adjudicated for a felony is eligible for  
424 voluntary admission into a delinquency pretrial mental health  
425 court program, established pursuant to s. 394.47892, approved by  
426 the chief judge of the circuit, for a period to be determined by  
427 the court, based on the clinical needs of the child, upon motion  
428 of either party or the court's own motion if the child is  
429 charged with:

430 (a) A misdemeanor;

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- 431 (b) A "nonviolent felony" as defined in s. 948.01(8);  
432 (c) Resisting an officer with violence under s. 843.01, if  
433 the law enforcement officer and state attorney consent to the  
434 child's participation;  
435 (d) Battery on a law enforcement officer under s. 784.07,  
436 if the law enforcement officer and state attorney consent to the  
437 child's participation; or  
438 (e) Aggravated assault, if the victim and state attorney  
439 consent to the child's participation.
- 440 (5) At the end of the delinquency pretrial intervention  
441 period, the court shall consider the recommendation of the state  
442 attorney and the program administrator as to disposition of the  
443 pending charges. The court shall determine, by written finding,  
444 whether the child has successfully completed the delinquency  
445 pretrial intervention program. If the court finds that the child  
446 has not successfully completed the delinquency pretrial  
447 intervention program, the court may order the child to continue  
448 in an education, treatment, or monitoring program if resources  
449 and funding are available or order that the charges revert to  
450 normal channels for prosecution. The court may dismiss the  
451 charges upon a finding that the child has successfully completed  
452 the delinquency pretrial intervention program.
- 453 (6) A child whose charges are dismissed after successful  
454 completion of the mental health court program, if otherwise  
455 eligible, may have his or her arrest record and plea of nolo  
456 contendere to the dismissed charges expunged under s. 943.0585.

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457        ~~(7)(4)~~ Any entity, whether public or private, providing  
458        pretrial substance abuse education, treatment intervention, drug  
459        testing, or ~~and a mental health court urine monitoring~~ program  
460        under this section must contract with the county or appropriate  
461        governmental entity, and the terms of the contract must include,  
462        but need not be limited to, the requirements established for  
463        private entities under s. 948.15(3). It is the intent of the  
464        Legislature that public or private entities providing substance  
465        abuse education and treatment intervention programs involve the  
466        active participation of parents, schools, churches, businesses,  
467        law enforcement agencies, and the department or its contract  
468        providers.

469        Section 12. For the purpose of incorporating the  
470        amendments made by this act to sections 948.01 and 948.06,  
471        Florida Statutes, in a reference thereto, paragraph (a) of  
472        subsection (3) and subsection (5) of section 397.334, Florida  
473        Statutes, are reenacted to read:

474        397.334 Treatment-based drug court programs.—

475        (3)(a) Entry into any postadjudicatory treatment-based  
476        drug court program as a condition of probation or community  
477        control pursuant to s. 948.01, s. 948.06, or s. 948.20 must be  
478        based upon the sentencing court's assessment of the defendant's  
479        criminal history, substance abuse screening outcome, amenability  
480        to the services of the program, total sentence points, the  
481        recommendation of the state attorney and the victim, if any, and  
482        the defendant's agreement to enter the program.

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483 (5) Treatment-based drug court programs may include  
484 pretrial intervention programs as provided in ss. 948.08,  
485 948.16, and 985.345, treatment-based drug court programs  
486 authorized in chapter 39, postadjudicatory programs as provided  
487 in ss. 948.01, 948.06, and 948.20, and review of the status of  
488 compliance or noncompliance of sentenced offenders through a  
489 treatment-based drug court program. While enrolled in a  
490 treatment-based drug court program, the participant is subject  
491 to a coordinated strategy developed by a drug court team under  
492 subsection (4). The coordinated strategy may include a protocol  
493 of sanctions that may be imposed upon the participant for  
494 noncompliance with program rules. The protocol of sanctions may  
495 include, but is not limited to, placement in a substance abuse  
496 treatment program offered by a licensed service provider as  
497 defined in s. 397.311 or in a jail-based treatment program or  
498 serving a period of secure detention under chapter 985 if a  
499 child or a period of incarceration within the time limits  
500 established for contempt of court if an adult. The coordinated  
501 strategy must be provided in writing to the participant before  
502 the participant agrees to enter into a treatment-based drug  
503 court program.

504 Section 13. For the purpose of incorporating the amendment  
505 made by this act to section 948.06, Florida Statutes, in a  
506 reference thereto, paragraph (b) of subsection (2) of section  
507 948.012, Florida Statutes, is reenacted to read:

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508 948.012 Split sentence of probation or community control  
509 and imprisonment.-

510 (2) The court may also impose a split sentence whereby the  
511 defendant is sentenced to a term of probation which may be  
512 followed by a period of incarceration or, with respect to a  
513 felony, into community control, as follows:

514 (b) If the offender does not meet the terms and conditions  
515 of probation or community control, the court may revoke, modify,  
516 or continue the probation or community control as provided in s.  
517 948.06. If the probation or community control is revoked, the  
518 court may impose any sentence that it could have imposed at the  
519 time the offender was placed on probation or community control.  
520 The court may not provide credit for time served for any portion  
521 of a probation or community control term toward a subsequent  
522 term of probation or community control. However, the court may  
523 not impose a subsequent term of probation or community control  
524 which, when combined with any amount of time served on preceding  
525 terms of probation or community control for offenses pending  
526 before the court for sentencing, would exceed the maximum  
527 penalty allowable as provided in s. 775.082. Such term of  
528 incarceration shall be served under applicable law or county  
529 ordinance governing service of sentences in state or county  
530 jurisdiction. This paragraph does not prohibit any other  
531 sanction provided by law.

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Amendment No. 3

534 -----  
535 **T I T L E A M E N D M E N T**  
536 Remove lines 6-42 and insert:  
537 F.S.; authorizing the funding for mental health court programs;  
538 providing legislative intent; providing for eligibility;  
539 providing program requirements; providing requirements for  
540 mental health court programs and counties that participate in  
541 the program; requiring the state courts system to establish at  
542 least one coordinator position in each mental health court  
543 program, contingent upon an annual appropriation; annually  
544 report to the Office of the State Courts Administrator specified  
545 data, programmatic information, and aggregate data; providing  
546 for an advisory committee; amending s. 910.035, F.S.; revising  
547 the definition of the term "problem-solving court"; creating s.  
548 916.185, F.S.; creating the Forensic Hospital Diversion Pilot  
549 Program; providing legislative findings and intent; providing  
550 definitions; requiring the Department of Children and Families  
551 to implement a Forensic Hospital Diversion Pilot Program in  
552 specified judicial circuits; authorizing the department to  
553 request specified budget amendments; providing for eligibility  
554 for the program; providing legislative intent concerning  
555 training; authorizing rulemaking; amending s. 948.001, F.S.;  
556 defining the term "mental health probation"; amending ss. 948.01  
557 and 948.06, F.S.; authorizing courts to order certain offenders  
558 on probation or community control to postadjudicatory mental  
559 health court programs; amending s. 948.08, F.S.; expanding

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## Amendment No. 3

560 eligibility requirements for certain pretrial intervention  
561 programs; providing for voluntary admission into a pretrial  
562 mental health court program; amending s. 948.16, F.S.; expanding  
563 eligibility of veterans for a misdemeanor pretrial veterans'  
564 treatment intervention program; providing eligibility of  
565 misdemeanor defendants for a misdemeanor pretrial mental health  
566 court program; amending s. 948.21, F.S.; expanding veterans'  
567 eligibility for participating in treatment programs while on  
568 court-ordered probation or community control; amending s.  
569 985.345, F.S.; authorizing pretrial mental health court programs  
570 for certain juvenile offenders; providing for disposition of  
571 pending charges after completion of the pretrial intervention  
572 program; expanding the services for which an entity must enter  
573 into a contract with specified governmental entities if such  
574 entity provides such services; reenacting s. 397.334(3)(a) and  
575 (5), F.S., relating to treatment-based drug court programs, to  
576 incorporate the amendments made to ss. 948.01 and 948.06, F.S.,  
577 in references thereto; reenacting s. 948.012(2)(b), F.S.,  
578 relating to split sentence probation or community control and  
579 imprisonment, to incorporate the amendment made to s. 948.06,  
580 F.S., in a reference thereto;