



927158

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.

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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