

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; requiring 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

HB 7113

2015

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-

HB 7113

2015

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



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

HB 7113

2015

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 shall 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) In creating and implementing the program, the  
306 department shall include a comprehensive continuum of care and  
307 services that use evidence-based practices and best practices to  
308 treat offenders who have mental health and co-occurring  
309 substance use disorders.

310 (c) The department and the corresponding judicial circuits  
311 shall implement this section within available resources. The  
312 department may reallocate resources from forensic mental health

HB 7113

2015

313 programs or other adult mental health programs serving offenders  
314 involved in the criminal justice system.

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

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

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

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

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

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

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

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

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

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

338 948.01 When court may place defendant on probation or into

HB 7113

2015

339 community control.—

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

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

HB 7113

2015

365 failure to comply with the terms thereof, or the defendant's  
366 sentence is completed.

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

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

372 948.06 Violation of probation or community control;  
373 revocation; modification; continuance; failure to pay  
374 restitution or cost of supervision.—

375 (2)

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

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

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

HB 7113

2015

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

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

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

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

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

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

416 948.08 Pretrial intervention program.—



HB 7113

2015

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

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

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

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

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

442 2. Resisting an officer with violence under s. 843.01, if

HB 7113

2015

443 the law enforcement officer and state attorney consent to the  
444 defendant's participation;

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

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

450  
451 is eligible for voluntary admission into a pretrial mental  
452 health court program, established pursuant to s. 394.47892, and  
453 approved by the chief judge of the circuit, for a period to be  
454 determined by the risk and needs assessment of the defendant,  
455 upon motion of either party or the court's own motion.

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

HB 7113

2015

469 intervention program.

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

475 948.16 Misdemeanor pretrial substance abuse education and  
476 treatment intervention program; misdemeanor pretrial veterans'  
477 treatment intervention program; misdemeanor pretrial mental  
478 health court program.-

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

494 (3) A defendant who is charged with a misdemeanor and

HB 7113

2015

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

501 (5)-(4) Any public or private entity providing a pretrial  
502 substance abuse education and treatment program or mental health  
503 program under this section shall contract with the county or  
504 appropriate governmental entity. The terms of the contract shall  
505 include, but not be limited to, the requirements established for  
506 private entities under s. 948.15(3). This requirement does not  
507 apply to services provided by the Department of Veterans'  
508 Affairs or the United States Department of Veterans Affairs.

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

511 948.21 Condition of probation or community control;  
512 military servicemembers and veterans.—

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

HB 7113

2015

521 capable of treating the probationer or community controllee's  
522 mental illness, traumatic brain injury, substance abuse  
523 disorder, or psychological problem.

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

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

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

546 985.345 Delinquency pretrial intervention program.—

HB 7113

2015

547 (4) Notwithstanding any other provision of law, a child is  
548 eligible for voluntary admission into a delinquency pretrial  
549 mental health court program, established pursuant to s.  
550 394.47892, approved by the chief judge of the circuit, for a  
551 period based on the program requirements and the treatment  
552 services that are suitable for the child, upon motion of either  
553 party or the court's own motion if the child is charged with:

554 (a) A misdemeanor;

555 (b) A nonviolent felony; for purposes of this subsection,  
556 the term "nonviolent felony" means a third degree felony  
557 violation of chapter 810 or any other felony offense that is not  
558 a forcible felony as defined in s. 776.08;

559 (c) Resisting an officer with violence under s. 843.01, if  
560 the law enforcement officer and state attorney consent to the  
561 child's participation;

562 (d) Battery on a law enforcement officer under 784.07, if  
563 the law enforcement officer and state attorney consent to the  
564 child's participation; or

565 (e) Aggravated assault, if the victim and state attorney  
566 consent to the child's participation,  
567  
568 and the child is identified as having a mental illness and has  
569 not been previously adjudicated for a felony.

570 (5) At the end of the delinquency pretrial intervention  
571 period, the court shall consider the recommendation of the state  
572 attorney and the program administrator as to disposition of the

HB 7113

2015

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

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

587 (7)~~(4)~~ Any entity, whether public or private, providing  
588 pretrial substance abuse education, treatment intervention, ~~and~~  
589 a urine monitoring program, or a mental health program under  
590 this section must contract with the county or appropriate  
591 governmental entity, and the terms of the contract must include,  
592 but need not be limited to, the requirements established for  
593 private entities under s. 948.15(3). It is the intent of the  
594 Legislature that public or private entities providing substance  
595 abuse education and treatment intervention programs involve the  
596 active participation of parents, schools, churches, businesses,  
597 law enforcement agencies, and the department or its contract  
598 providers.

HB 7113

2015

599

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