

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 criteria for military veterans
5 and servicemembers court programs; creating s.
6 394.47892, F.S.; authorizing the creation of
7 treatment-based mental health court programs; amending
8 s. 910.035, F.S.; defining the term "problem-solving
9 court"; authorizing a person eligible for
10 participation in a problem-solving court to transfer
11 his or her case to another county's problem-solving
12 court under certain circumstances; making technical
13 changes; amending s. 916.106, F.S.; redefining the
14 term "court" to include county courts in certain
15 circumstances; amending s. 916.17, F.S.; authorizing a
16 county court to order the conditional release of a
17 defendant for the provision of outpatient care and
18 treatment; creating s. 916.185, F.S.; creating the
19 Forensic Hospital Diversion Pilot Program; providing
20 legislative intent; providing definitions; requiring
21 the Department of Children and Families to implement a
22 Forensic Hospital Diversion Pilot Program in three
23 specified judicial circuits; providing the scope of
24 eligibility for the pilot program; providing
25 legislative intent concerning training; authorizing
26 the department to adopt rules; amending ss. 948.01 and

27 948.06, F.S.; authorizing a court to order certain
 28 defendants to a postadjudicatory mental health court
 29 program; amending s. 948.08, F.S.; expanding
 30 eligibility requirements for certain pretrial
 31 intervention program; amending s. 948.16, F.S.;
 32 expanding veteran eligibility requirements and mental
 33 illnesses for misdemeanor pretrial veterans' treatment
 34 intervention program; amending s. 948.21, F.S.;
 35 expands veterans eligibility requirement for
 36 participating in court-ordered probation or community
 37 control; amending s. 985.345, authorizing pretrial
 38 mental health court program for certain juvenile
 39 offenders; providing an effective date.

40
 41 Be It Enacted by the Legislature of the State of Florida:

42 Section 1. Section 394.47891, Florida Statutes, is amended
 43 to read:

44 394.47891 Military veterans and servicemembers court
 45 programs.—The chief judge of each judicial circuit may establish
 46 a Military Veterans and Servicemembers Court Program under which
 47 veterans, as defined in s. 1.01, including veterans who were
 48 discharged or released under a general discharge, and
 49 servicemembers, as defined in s. 250.01, who are charged or
 50 convicted of a criminal offense and who suffer from a military-
 51 related mental illness, traumatic brain injury, substance abuse
 52 disorder, or psychological problem can be sentenced in

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53 accordance with chapter 921 in a manner that appropriately
54 addresses the severity of the mental illness, traumatic brain
55 injury, substance abuse disorder, or psychological problem
56 through services tailored to the individual needs of the
57 participant. Entry into any Military Veterans and Servicemembers
58 Court Program must be based upon the sentencing court's
59 assessment of the defendant's criminal history, military
60 service, substance abuse treatment needs, mental health
61 treatment needs, amenability to the services of the program, the
62 recommendation of the state attorney and the victim, if any, and
63 the defendant's agreement to enter the program.

64 Section 2. Section 394.47892, Florida Statutes, is created
65 to read:

66 394.47892 Treatment-based mental health court programs.—

67 (1) Each county may fund a treatment-based mental health
68 court program under which defendants in the justice system
69 assessed with a mental illness will be processed in such a
70 manner as to appropriately address the severity of the
71 identified mental illness through treatment services tailored to
72 the individual needs of the participant. The Legislature intends
73 to encourage the Department of Corrections, the Department of
74 Children and Families, the Department of Juvenile Justice, the
75 Department of Health, the Department of Law Enforcement, the
76 Department of Education, and such agencies, local governments,
77 law enforcement agencies, other interested public or private
78 entities, and individuals to support the creation and

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

79 establishment of these problem-solving court programs.
 80 Participation in treatment-based mental health court programs
 81 does not divest any public or private agency of its
 82 responsibility for a child or an adult, but enables these
 83 agencies to better meet their needs through shared
 84 responsibility and resources.

85 (2) Treatment-based mental health court programs may
 86 include pretrial intervention programs as provided in ss.
 87 948.08, 948.16, and 985.345, postadjudicatory treatment-based
 88 mental health court programs as provided in ss. 948.01 and
 89 948.06, and review of the status of compliance or noncompliance
 90 of sentenced defendants through a treatment-based mental health
 91 court program.

92 (3) Entry into any pretrial treatment-based mental health
 93 court program shall be voluntary.

94 (4) (a) Entry into any postadjudicatory treatment-based
 95 mental health court program as a condition of probation or
 96 community control pursuant to s. 948.01, or s. 948.06 must be
 97 based upon the sentencing court's assessment of the defendant's
 98 criminal history, mental health screening outcome, amenability
 99 to the services of the program, total sentence points, the
 100 recommendation of the state attorney and the victim, if any, and
 101 the defendant's agreement to enter the program.

102 (b) A defendant who is sentenced to a postadjudicatory
 103 mental health court program and who, while a mental health court
 104 participant is the subject of a violation of probation or

105 community control under s. 948.06 shall have the violation of
106 probation or community control heard by the judge presiding over
107 the postadjudicatory mental health court program. The judge
108 shall dispose of any such violation, after a hearing on or
109 admission of the violation, as he or she deems appropriate if
110 the resulting sentence or conditions are lawful.

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

123 (b) Each circuit shall report sufficient client-level and
124 programmatic data to the Office of State Courts Administrator
125 annually for purposes of program evaluation. Client-level data
126 include primary offenses that resulted in the mental health
127 court referral or sentence, treatment compliance, completion
128 status and reasons for failure to complete, offenses committed
129 during treatment and the sanctions imposed, frequency of court
130 appearances, and units of service. Programmatic data include

131 referral and screening procedures, eligibility criteria, type
 132 and duration of treatment offered, and residential treatment
 133 resources.

134 (6) If a county chooses to fund a treatment-based mental
 135 health court program, the county must secure funding from
 136 sources other than the state for those costs not otherwise
 137 assumed by the state pursuant to s. 29.004. However, this does
 138 not preclude counties from using treatment and other service
 139 dollars provided through state executive branch agencies.
 140 Counties may provide, by interlocal agreement, for the
 141 collective funding of these programs.

142 (7) The chief judge of each judicial circuit may appoint
 143 an advisory committee for the treatment-based mental health
 144 court program. The committee shall be composed of the chief
 145 judge, or his or her designee, who shall serve as chair; the
 146 judge of the treatment-based mental health court program, if not
 147 otherwise designated by the chief judge as his or her designee;
 148 the state attorney, or his or her designee; the public defender,
 149 or his or her designee; the treatment-based mental health court
 150 program coordinators; community representatives; treatment
 151 representatives; and any other persons the chair finds are
 152 appropriate.

153 Section 3. Section 910.035, Florida Statutes, is amended
 154 to read:

155 910.035 Transfer from county for plea, ~~and~~ sentence, or
 156 participation in a problem-solving court.-

157 (1) INDICTMENT OR INFORMATION PENDING.—A defendant
 158 arrested or held in a county other than that in which an
 159 indictment or information is pending against him or her may
 160 state in writing that he or she wishes to plead guilty or nolo
 161 contendere, to waive trial in the county in which the indictment
 162 or information is pending, and to consent to disposition of the
 163 case in the county in which the defendant was arrested or is
 164 held, subject to the approval of the prosecuting attorney of the
 165 court in which the indictment or information is pending. Upon
 166 receipt of the defendant's statement and the written approval of
 167 the prosecuting attorney, the clerk of the court in which the
 168 indictment or information is pending shall transmit the papers
 169 in the proceeding, or certified copies thereof, to the clerk of
 170 the court of competent jurisdiction for the county in which the
 171 defendant is held, and the prosecution shall continue in that
 172 county upon the information or indictment originally filed. In
 173 the event a fine is imposed upon the defendant in that county,
 174 two-thirds thereof shall be returned to the county in which the
 175 indictment or information was originally filed.

176 (2) INDICTMENT OR INFORMATION NOT PENDING.—A defendant
 177 arrested on a warrant issued upon a complaint in a county other
 178 than the county of arrest may state in writing that he or she
 179 wishes to plead guilty or nolo contendere, to waive trial in the
 180 county in which the warrant was issued, and to consent to
 181 disposition of the case in the county in which the defendant was
 182 arrested, subject to the approval of the prosecuting attorney of

183 the court in which the indictment or information is pending.
 184 Upon receipt of the defendant's statement and the written
 185 approval of the prosecuting attorney, and upon the filing of an
 186 information or the return of an indictment, the clerk of the
 187 court from which the warrant was issued shall transmit the
 188 papers in the proceeding, or certified copies thereof, to the
 189 clerk of the court of competent jurisdiction in the county in
 190 which the defendant was arrested, and the prosecution shall
 191 continue in that county upon the information or indictment
 192 originally filed.

193 (3) EFFECT OF NOT GUILTY PLEA.—If, after the proceeding
 194 has been transferred pursuant to subsection (1) or subsection
 195 (2), the defendant pleads not guilty, the clerk shall return the
 196 papers to the court in which the prosecution was commenced, and
 197 the proceeding shall be restored to the docket of that court.
 198 The defendant's statement that he or she wishes to plead guilty
 199 or nolo contendere shall not be used against the defendant.

200 (4) APPEARANCE IN RESPONSE TO A SUMMONS.—For the purpose
 201 of initiating a transfer under this section, a person who
 202 appears in response to a summons shall be treated as if he or
 203 she had been arrested on a warrant in the county of such
 204 appearance.

205 (5) (a) For purposes of this subsection, the term "problem-
 206 solving court" means a drug court pursuant to s. 948.01, s.
 207 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans
 208 and servicemembers court pursuant to s. 394.47891, s. 948.08, s.

209 948.16, or s. 948.21; a mental health court pursuant to s.
 210 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16, or a
 211 delinquency pretrial intervention court program pursuant to s.
 212 985.345.

213 (b) Any person eligible for participation in a problem-
 214 solving drug court shall, upon request by the person or a court,
 215 ~~treatment program pursuant to s. 948.08(6) may be eligible to~~
 216 have the case transferred to a county other than that in which
 217 the charge arose if the defendant agrees to the transfer and the
 218 ~~drug court program agrees and if the following conditions are~~
 219 ~~met:~~

220 ~~(a) The authorized representative of the trial drug court~~
 221 ~~program of the county requesting to transfer the case shall~~
 222 ~~consults~~ with the authorized representative of the problem-
 223 solving drug court program in the county to which transfer is
 224 desired, and both representatives agree to the transfer.

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

231 (d)1.(e) When transferring a pretrial problem-solving court
 232 case, The transfer order shall include a copy of the probable
 233 cause affidavit; any charging documents in the case; all
 234 reports, witness statements, test results, evidence lists, and

235 other documents in the case; the defendant's mailing address and
 236 phone number; and the defendant's written consent to abide by
 237 the rules and procedures of the receiving county's problem-
 238 solving drug court program.

239 2. When transferring a postadjudicatory problem-solving
 240 court case, the transfer order shall include a copy of the
 241 charging documents in the case; the final disposition; all
 242 reports, test results, and other documents in the case; the
 243 defendant's mailing address and phone number; and the
 244 defendant's written consent to abide by the rules and procedures
 245 of the receiving county's problem-solving court.

246 (e)-(d) After the transfer takes place, the clerk shall set
 247 the matter for a hearing before the problem-solving drug court
 248 program judge and the court shall to ensure the defendant's
 249 entry into the problem-solving drug court program.

250 (f)-(e) Upon successful completion of the problem-solving
 251 drug court program, the jurisdiction to which the case has been
 252 transferred shall dispose of the case pursuant to s. 948.08(6).
 253 If the defendant does not complete the problem-solving drug
 254 court program successfully, the jurisdiction to which the case
 255 has been transferred shall dispose of the case within the
 256 guidelines of the Criminal Punishment Code.

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

259 916.106 Definitions.—For the purposes of this chapter, the
 260 term:

261 (5) "Court" means the circuit court and the county court
 262 as provided in s. 916.17.

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

265 916.17 Conditional release.—

266 (1) Except for an inmate currently serving a prison
 267 sentence, the committing court may order a conditional release
 268 of any defendant in lieu of an involuntary commitment to a
 269 facility pursuant to s. 916.13 or s. 916.15 based upon an
 270 approved plan for providing appropriate outpatient care and
 271 treatment. A county court may order the conditional release of a
 272 defendant for purposes of the provision of outpatient care and
 273 treatment only. Upon a recommendation that outpatient treatment
 274 of the defendant is appropriate, a written plan for outpatient
 275 treatment, including recommendations from qualified
 276 professionals, must be filed with the court, with copies to all
 277 parties. Such a plan may also be submitted by the defendant and
 278 filed with the court with copies to all parties. The plan shall
 279 include:

280 (a) Special provisions for residential care or adequate
 281 supervision of the defendant.

282 (b) Provisions for outpatient mental health services.

283 (c) If appropriate, recommendations for auxiliary services
 284 such as vocational training, educational services, or special
 285 medical care.

286

287 In its order of conditional release, the court shall specify the
 288 conditions of release based upon the release plan and shall
 289 direct the appropriate agencies or persons to submit periodic
 290 reports to the court regarding the defendant's compliance with
 291 the conditions of the release and progress in treatment, with
 292 copies to all parties.

293 Section 6. Section 916.185, Florida Statutes, is created
 294 to read:

295 916.185 Forensic Hospital Diversion Pilot Program .-

296 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds
 297 that many jail inmates who have serious mental illnesses and who
 298 are committed to state forensic mental health treatment
 299 facilities for restoration of competency to proceed could be
 300 served more effectively and at less cost in community-based
 301 alternative programs. The Legislature further finds that many
 302 people who have serious mental illnesses and who have been
 303 discharged from state forensic mental health treatment
 304 facilities could avoid returning to the criminal justice and
 305 forensic mental health systems if they received specialized
 306 treatment in the community. Therefore, it is the intent of the
 307 Legislature to create the Forensic Hospital Diversion Pilot
 308 Program to serve offenders who have mental illnesses or co-
 309 occurring mental illnesses and substance use disorders and who
 310 are involved in or at risk of entering state forensic mental
 311 health treatment facilities, prisons, jails, or state civil
 312 mental health treatment facilities.

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

314 (a) "Best practices" means treatment services that
315 incorporate the most effective and acceptable interventions
316 available in the care and treatment of offenders who are
317 diagnosed as having mental illnesses or co-occurring mental
318 illnesses and substance use disorders.

319 (b) "Community forensic system" means the community mental
320 health and substance use forensic treatment system, including
321 the comprehensive set of services and supports provided to
322 offenders involved in or at risk of becoming involved in the
323 criminal justice system.

324 (c) "Evidence-based practices" means interventions and
325 strategies that, based on the best available empirical research,
326 demonstrate effective and efficient outcomes in the care and
327 treatment of offenders who are diagnosed as having mental
328 illnesses or co-occurring mental illnesses and substance use
329 disorders.

330 (3) CREATION.—There is created a Forensic Hospital
331 Diversion Pilot Program that will provide competency-restoration
332 and community-reintegration services in either a locked
333 residential treatment facility when appropriate, or a community-
334 based facility based on considerations of public safety, the
335 needs of the individual, and available resources.

336 (a) The department shall implement a Forensic Hospital
337 Diversion Pilot Program modeled after the Miami-Dade Forensic
338 Alternative Center, taking into account local needs and

339 resources, in Escambia County, in conjunction with the First
340 Judicial Circuit in Escambia County; in Hillsborough County, in
341 conjunction with the Thirteenth Judicial Circuit in Hillsborough
342 County; and in Dade County, in conjunction with the Eleventh
343 Judicial Circuit in Dade County.

344 (b) In creating and implementing the program, the
345 department shall include a comprehensive continuum of care and
346 services that use evidence-based practices and best practices to
347 treat offenders who have mental health and co-occurring
348 substance use disorders.

349 (c) The department and the corresponding judicial circuits
350 shall implement this section within available resources. The
351 department may reallocate resources from forensic mental health
352 programs or other adult mental health programs serving offenders
353 involved in the criminal justice system.

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

356 (a) Are 18 years of age or older;

357 (b) Are charged with a felony of the second degree or a
358 felony of the third degree;

359 (c) Do not have a significant history of violent criminal
360 offenses;

361 (d) Are adjudicated incompetent to proceed to trial or not
362 guilty by reason of insanity pursuant to this part;

363 (e) Meet public safety and treatment criteria established
364 by the department for placement in a community setting; and

365 (f) Otherwise would be admitted to a state mental health
 366 treatment facility.

367 (5) TRAINING.—The Legislature encourages the Florida
 368 Supreme Court, in consultation and cooperation with the Florida
 369 Supreme Court Task Force on Substance Abuse and Mental Health
 370 Issues in the Courts, to develop educational training for judges
 371 in the pilot program areas which focuses on the community
 372 forensic system.

373 (6) RULEMAKING.—The department may adopt rules under ss.
 374 120.536(1) and 120.54 to administer this section.

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

377 948.01 When court may place defendant on probation or into
 378 community control.—

379 (8) (a) Notwithstanding s. 921.0024 and effective for
 380 offenses committed on or after July 1, 2015, the sentencing
 381 court may place the defendant into a postadjudicatory treatment-
 382 based mental health court program if the offense is a nonviolent
 383 felony, the defendant is amenable to mental health treatment,
 384 including prescribed medications, and the defendant is otherwise
 385 qualified under s. 394.47892(4). The satisfactory completion of
 386 the program must be a condition of the defendant's probation or
 387 community control. As used in this subsection, the term
 388 "nonviolent felony" means a third degree felony violation under
 389 chapter 810 or any other felony offense that is not a forcible
 390 felony as defined in s. 776.08. Defendants charged with

391 resisting an officer with violence under s. 843.01, battery on a
 392 law enforcement officer under s. 784.07, or aggravated assault
 393 may participate in the mental health court program if the court
 394 so orders after the victim has been given his or her right to
 395 provide testimony or written statement to the court as provided
 396 in s. 921.143.

397 (b) The defendant must be fully advised of the purpose of
 398 the program, and the defendant must agree to enter the program.
 399 The original sentencing court shall relinquish jurisdiction of
 400 the defendant's case to the postadjudicatory treatment-based
 401 mental health court program until the defendant is no longer
 402 active in the program, the case is returned to the sentencing
 403 court due to the defendant's termination from the program for
 404 failure to comply with the terms thereof, or the defendant's
 405 sentence is completed.

406 (c) The Department of Corrections is authorized to
 407 establish designated mental health probation officers to support
 408 individuals under supervision of the mental health court.

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

411 948.06 Violation of probation or community control;
 412 revocation; modification; continuance; failure to pay
 413 restitution or cost of supervision.—

414 (2)

415 (j) 1. Notwithstanding s. 921.0024 and effective for
 416 offenses committed on or after July 1, 2015, the court may order

417 the offender to successfully complete a postadjudicatory
418 treatment-based mental health court program under s. 394.47892
419 or a military veterans and servicemembers court program under s.
420 394.47891 if:

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

423 b. The underlying offense is a nonviolent felony. As used
424 in this subsection, the term "nonviolent felony" means a third
425 degree felony violation under chapter 810 or any other felony
426 offense that is not a forcible felony as defined in s. 776.08.
427 Offenders charged with resisting an officer with violence under
428 s. 843.01, battery on a law enforcement officer under s. 784.07,
429 or aggravated assault may participate in the mental health court
430 program if the court so orders after the victim has been given
431 his or her right to provide testimony or written statement to
432 the court as provided in s. 921.143;

433 c. The court determines that the offender is amenable to
434 the services of a postadjudicatory treatment-based mental health
435 court program or a military veterans and servicemembers court
436 program;

437 d. The court has explained the purpose of the program to
438 the offender and the offender has agreed to participate; and

439 e. The offender is otherwise qualified to participate in a
440 postadjudicatory treatment-based mental health court program
441 under s. 394.47892(3) or a military veterans and servicemembers
442 court program under s. 394.47891.

443 2. After the court orders the modification of community
 444 control or probation, the original sentencing court shall
 445 relinquish jurisdiction of the offender's case to the
 446 postadjudicatory treatment-based mental health court program
 447 until the offender is no longer active in the program, the case
 448 is returned to the sentencing court due to the offender's
 449 termination from the program for failure to comply with the
 450 terms thereof, or the offender's sentence is completed.

451 Section 9. Subsection (8) is added and paragraph (a) of
 452 subsection (7) of section 948.08, Florida Statutes, is amended
 453 to read:

454 948.08 Pretrial intervention program.—

455 (7) (a) Notwithstanding any provision of this section, a
 456 person who is charged with a felony, other than a felony listed
 457 in s. 948.06(8)(c), and identified as a veteran, as defined in
 458 s. 1.01, including veterans who were discharged or released
 459 under a general discharge, or servicemember, as defined in s.
 460 250.01, who suffers from a military service-related mental
 461 illness, traumatic brain injury, substance abuse disorder, or
 462 psychological problem, is eligible for voluntary admission into
 463 a pretrial veterans' treatment intervention program approved by
 464 the chief judge of the circuit, upon motion of either party or
 465 the court's own motion, except:

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

469 record, the court may deny the defendant's admission to such a
 470 program.

471 2. If a defendant previously entered a court-ordered
 472 veterans' treatment program, the court may deny the defendant's
 473 admission into the pretrial veterans' treatment program.

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

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

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

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

486 4. Aggravated assault where the victim and state attorney
 487 consent to the defendant's participation

488
 489 is eligible for voluntary admission into a pretrial mental
 490 health court program, established pursuant to s. 394.47892, and
 491 approved by the chief judge of the circuit, for a period to be
 492 determined by the risk and needs assessment of the defendant,
 493 upon motion of either party or the court's own motion.

494 (b) At the end of the pretrial intervention period, the

495 court shall consider the recommendation of the treatment
 496 provider and the recommendation of the state attorney as to
 497 disposition of the pending charges. The court shall determine,
 498 by written finding, whether the defendant has successfully
 499 completed the pretrial intervention program. If the court finds
 500 that the defendant has not successfully completed the pretrial
 501 intervention program, the court may order the person to continue
 502 in education and treatment, which may include mental health
 503 programs offered by licensed service providers as defined in s.
 504 394.455 or order that the charges revert to normal channels for
 505 prosecution. The court shall dismiss the charges upon a finding
 506 that the defendant has successfully completed the pretrial
 507 intervention program.

508 Section 10. Section 948.16, Florida Statutes, is amended
 509 to read:

510 948.16 Misdemeanor pretrial substance abuse education and
 511 treatment intervention program; misdemeanor pretrial veterans'
 512 treatment intervention program; misdemeanor pretrial mental
 513 health court program.—

514 (1) (a) A person who is charged with a nonviolent,
 515 nontraffic-related misdemeanor and identified as having a
 516 substance abuse problem or who is charged with a misdemeanor for
 517 possession of a controlled substance or drug paraphernalia under
 518 chapter 893, prostitution under s. 796.07, possession of alcohol
 519 while under 21 years of age under s. 562.111, or possession of a
 520 controlled substance without a valid prescription under s.

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521 499.03, and who has not previously been convicted of a felony,
522 is eligible for voluntary admission into a misdemeanor pretrial
523 substance abuse education and treatment intervention program,
524 including a treatment-based drug court program established
525 pursuant to s. 397.334, approved by the chief judge of the
526 circuit, for a period based on the program requirements and the
527 treatment plan for the offender, upon motion of either party or
528 the court's own motion, except, if the state attorney believes
529 the facts and circumstances of the case suggest the defendant is
530 involved in dealing and selling controlled substances, the court
531 shall hold a preadmission hearing. If the state attorney
532 establishes, by a preponderance of the evidence at such hearing,
533 that the defendant was involved in dealing or selling controlled
534 substances, the court shall deny the defendant's admission into
535 the pretrial intervention program.

536 (b) While enrolled in a pretrial intervention program
537 authorized by this section, the participant is subject to a
538 coordinated strategy developed by a drug court team under s.
539 397.334(4). The coordinated strategy may include a protocol of
540 sanctions that may be imposed upon the participant for
541 noncompliance with program rules. The protocol of sanctions may
542 include, but is not limited to, placement in a substance abuse
543 treatment program offered by a licensed service provider as
544 defined in s. 397.311 or in a jail-based treatment program or
545 serving a period of incarceration within the time limits
546 established for contempt of court. The coordinated strategy must

547 be provided in writing to the participant before the participant
548 agrees to enter into a pretrial treatment-based drug court
549 program or other pretrial intervention program. Any person whose
550 charges are dismissed after successful completion of the
551 treatment-based drug court program, if otherwise eligible, may
552 have his or her arrest record and plea of nolo contendere to the
553 dismissed charges expunged under s. 943.0585.

554 (2) (a) A veteran, as defined in s. 1.01, or servicemember,
555 including veterans who were discharged or released under a
556 general discharge, as defined in s. 250.01, who suffers from a
557 military service-related mental illness, traumatic brain injury,
558 substance abuse disorder, or psychological problem, and who is
559 charged with a misdemeanor is eligible for voluntary admission
560 into a misdemeanor pretrial veterans' treatment intervention
561 program approved by the chief judge of the circuit, for a period
562 based on the program's requirements and the treatment plan for
563 the offender, upon motion of either party or the court's own
564 motion. However, the court may deny the defendant admission into
565 a misdemeanor pretrial veterans' treatment intervention program
566 if the defendant has previously entered a court-ordered
567 veterans' treatment program.

568 (b) While enrolled in a pretrial intervention program
569 authorized by this section, the participant shall be subject to
570 a coordinated strategy developed by a veterans' treatment
571 intervention team. The coordinated strategy should be modeled
572 after the therapeutic jurisprudence principles and key

573 components in s. 397.334(4), with treatment specific to the
574 needs of veterans and servicemembers. The coordinated strategy
575 may include a protocol of sanctions that may be imposed upon the
576 participant for noncompliance with program rules. The protocol
577 of sanctions may include, but need not be limited to, placement
578 in a treatment program offered by a licensed service provider or
579 in a jail-based treatment program or serving a period of
580 incarceration within the time limits established for contempt of
581 court. The coordinated strategy must be provided in writing to
582 the participant before the participant agrees to enter into a
583 misdemeanor pretrial veterans' treatment intervention program or
584 other pretrial intervention program. Any person whose charges
585 are dismissed after successful completion of the misdemeanor
586 pretrial veterans' treatment intervention program, if otherwise
587 eligible, may have his or her arrest record of the dismissed
588 charges expunged under s. 943.0585.

589 (3) A defendant who is charged with a misdemeanor and
590 identified as having a mental illness is eligible for voluntary
591 admission into a misdemeanor pretrial mental health court
592 program established pursuant to s. 394.47892, approved by the
593 chief judge of the circuit, for a period to be determined by the
594 risk and needs assessment of the defendant, upon motion of
595 either party or the court's own motion.

596 (4)~~(3)~~ At the end of the pretrial intervention period, the
597 court shall consider the recommendation of the treatment program
598 and the recommendation of the state attorney as to disposition

599 of the pending charges. The court shall determine, by written
 600 finding, whether the defendant successfully completed the
 601 pretrial intervention program. Notwithstanding the coordinated
 602 strategy developed by a drug court team pursuant to s.
 603 [397.334](#) (4) or by the veterans' treatment intervention team, if
 604 the court finds that the defendant has not successfully
 605 completed the pretrial intervention program, the court may order
 606 the person to continue in education and treatment or return the
 607 charges to the criminal docket for prosecution. The court shall
 608 dismiss the charges upon finding that the defendant has
 609 successfully completed the pretrial intervention program.

610 ~~(5)-(4)~~ Any public or private entity providing a pretrial
 611 substance abuse education and treatment program or mental health
 612 program under this section shall contract with the county or
 613 appropriate governmental entity. The terms of the contract shall
 614 include, but not be limited to, the requirements established for
 615 private entities under s. [948.15](#) (3). This requirement does not
 616 apply to services provided by the Department of Veterans'
 617 Affairs or the United States Department of Veterans Affairs.

618 Section 11. Section 948.21, Florida Statutes, is amended
 619 to read:

620 948.21 Condition of probation or community control;
 621 military servicemembers and veterans.—

622 (1) Effective for a probationer or community controllee
 623 whose crime was committed on or after July 1, 2012, and who is a
 624 veteran, as defined in s. 1.01, or servicemember, as defined in

625 s. 250.01, who suffers from a military service-related mental
626 illness, traumatic brain injury, substance abuse disorder, or
627 psychological problem, the court may, in addition to any other
628 conditions imposed, impose a condition requiring the probationer
629 or community controllee to participate in a treatment program
630 capable of treating the probationer or community controllee's
631 mental illness, traumatic brain injury, substance abuse
632 disorder, or psychological problem.

633 (2) Effective for a probationer or community controllee
634 whose crime was committed on or after July 1, 2015, and who is a
635 veteran, as defined in s. 1.01, including veterans who were
636 discharged or released under a general discharge, or
637 servicemember, as defined in s. 250.01, who suffers from a
638 military service-related mental illness, traumatic brain injury,
639 substance abuse disorder, or psychological problem, the court
640 may, in addition to any other conditions imposed, impose a
641 condition requiring the probationer or community controllee to
642 participate in a treatment program capable of treating the
643 probationer or community controllee's mental illness, traumatic
644 brain injury, substance abuse disorder, or psychological
645 problem.

646 (3) The court shall give preference to treatment programs
647 for which the probationer or community controllee is eligible
648 through the United States Department of Veterans Affairs or the
649 Florida Department of Veterans' Affairs. The Department of
650 Corrections is not required to spend state funds to implement

651 this section.

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

655 985.345 Delinquency pretrial intervention program.—

656 (4) Notwithstanding any provision of law to the contrary,
 657 a child is eligible for voluntary admission into a delinquency
 658 pretrial mental health court program, established pursuant to s.
 659 394.47892, approved by the chief judge of the circuit, for a
 660 period based on the program requirements and the treatment
 661 services that are suitable for the child, upon motion of either
 662 party or the court's own motion if the child is charged with:

663 a. a misdemeanor;

664 b. a nonviolent felony; for purposes of this subsection,
 665 the term "nonviolent felony" means a third degree felony
 666 violation of chapter 810 or any other felony offense that is not
 667 a forcible felony as defined in s. 776.08;

668 c. resisting an officer with violence under s. 843.01, if
 669 the law enforcement officer and state attorney consent to the
 670 child's participation;

671 d. battery on a law enforcement officer under 784.07, if
 672 the law enforcement officer and state attorney consent to the
 673 child's participation; or

674 e. aggravated assault, if the victim and state attorney
 675 consent to the child's participation

676

677 and the child is identified as having a mental illness, and has
678 not been previously adjudicated for a felony.

679 (5) At the end of the delinquency pretrial intervention
680 period, the court shall consider the recommendation of the state
681 attorney and the program administrator as to disposition of the
682 pending charges. The court shall determine, by written finding,
683 whether the child has successfully completed the delinquency
684 pretrial intervention program. If the court finds that the child
685 has not successfully completed the delinquency pretrial
686 intervention program, the court may order the child to continue
687 in an education, treatment, or monitoring program if resources
688 and funding are available or order that the charges revert to
689 normal channels for prosecution. The court may dismiss the
690 charges upon a finding that the child has successfully completed
691 the delinquency pretrial intervention program.

692 (6) Any child whose charges are dismissed after successful
693 completion of the mental health court program, if otherwise
694 eligible, may have his or her arrest record and plea of nolo
695 contendere to the dismissed charges expunged under s. 943.0585.

696 (7)-(4) Any entity, whether public or private, providing
697 pretrial substance abuse education, treatment intervention, and
698 a urine monitoring program, or a mental health program under
699 this section must contract with the county or appropriate
700 governmental entity, and the terms of the contract must include,
701 but need not be limited to, the requirements established for
702 private entities under s. 948.15(3). It is the intent of the

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703 Legislature that public or private entities providing substance
704 abuse education and treatment intervention programs involve the
705 active participation of parents, schools, churches, businesses,
706 law enforcement agencies, and the department or its contract
707 providers.

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