

1 A bill to be entitled
2 An act relating to mental health services in the
3 criminal justice system; amending ss. 39.001, 39.507,
4 and 39.521, F.S.; conforming provisions to changes
5 made by the act; amending s. 394.4655, F.S.; defining
6 the terms "court" and "criminal county court" for
7 purposes of involuntary outpatient placement;
8 conforming provisions to changes made by act; amending
9 ss. 394.4599 and 394.463, F.S.; conforming provisions
10 to changes made by act; conforming cross-references;
11 amending s. 394.455 and 394.4615, F.S.; conforming
12 cross-references; amending s. 394.47891, F.S.;
13 expanding eligibility for military veterans and
14 servicemembers court programs; creating s. 394.47892,
15 F.S.; amending s. 790.065, F.S.; conforming a
16 provision to changes made by this act; amending s.
17 910.035, F.S.; revising the definition of the term
18 "problem-solving court"; creating s. 916.185, F.S.;
19 creating the Forensic Hospital Diversion Pilot
20 Program; providing legislative findings and intent;
21 providing definitions; authorizing the Department of
22 Children and Families to implement a Forensic Hospital
23 Diversion Pilot Program in specified judicial
24 circuits; authorizing the department to request
25 specified budget amendments; providing for eligibility
26 for the program; providing legislative intent

27 | concerning training; authorizing rulemaking; amending
28 | s. 948.001, F.S.; defining the term "mental health
29 | probation"; amending ss. 948.01 and 948.06, F.S.;
30 | authorizing courts to order certain offenders on
31 | probation or community control to postadjudicatory
32 | mental health court programs; amending s. 948.08,
33 | F.S.; expanding eligibility requirements for certain
34 | pretrial intervention programs; providing for
35 | voluntary admission into a pretrial mental health
36 | court program; creating s. 916.185, F.S.; creating the
37 | Forensic Hospital Diversion Pilot Program; providing
38 | legislative findings and intent; providing
39 | definitions; requiring the Department of Children and
40 | Families to implement a Forensic Hospital Diversion
41 | Pilot Program in specified judicial circuits;
42 | providing for eligibility for the program; providing
43 | legislative intent concerning training; authorizing
44 | rulemaking; amending ss. 948.01 and 948.06, F.S.;
45 | providing for courts to order certain defendants on
46 | probation or community control to postadjudicatory
47 | mental health court programs; amending s. 948.08,
48 | F.S.; expanding eligibility requirements for certain
49 | pretrial intervention programs; providing for
50 | voluntary admission into pretrial mental health court
51 | program; amending s. 948.16, F.S.; expanding
52 | eligibility of veterans for a misdemeanor pretrial

53 veterans' treatment intervention program; providing
 54 eligibility of misdemeanor defendants for a
 55 misdemeanor pretrial mental health court program;
 56 amending s. 948.21, F.S.; expanding veterans'
 57 eligibility for participating in treatment programs
 58 while on court-ordered probation or community control;
 59 amending s. 985.345, F.S.; authorizing delinquency
 60 pretrial mental health court intervention programs for
 61 certain juvenile offenders; providing for disposition
 62 of pending charges after completion of the program;
 63 authorizing expunction of specified criminal history
 64 records after successful completion of the program;
 65 reenacting s. 397.334(3)(a) and (5), F.S., relating to
 66 treatment-based drug court programs, to incorporate
 67 the amendments made by the act to ss. 948.01 and
 68 948.06, F.S., in references thereto; reenacting s.
 69 948.012(2)(b), F.S., relating to split sentence
 70 probation or community control and imprisonment, to
 71 incorporate the amendment made by the act to s.
 72 948.06, F.S., in a reference thereto; providing an
 73 effective date.

74

75 Be It Enacted by the Legislature of the State of Florida:

76

77 Section 1. Subsection (6) of section 39.001, Florida
 78 Statutes, is amended to read:

79 39.001 Purposes and intent; personnel standards and
80 screening.—

81 (6) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.—

82 (a) The Legislature recognizes that early referral and
83 comprehensive treatment can help combat mental illnesses and
84 substance abuse disorders in families and that treatment is
85 cost-effective.

86 (b) The Legislature establishes the following goals for
87 the state related to mental illness and substance abuse
88 treatment services in the dependency process:

89 1. To ensure the safety of children.

90 2. To prevent and remediate the consequences of mental
91 illnesses and substance abuse disorders on families involved in
92 protective supervision or foster care and reduce the occurrences
93 of mental illnesses and substance abuse disorders, including
94 alcohol abuse or related disorders, for families who are at risk
95 of being involved in protective supervision or foster care.

96 3. To expedite permanency for children and reunify
97 healthy, intact families, when appropriate.

98 4. To support families in recovery.

99 (c) The Legislature finds that children in the care of the
100 state's dependency system need appropriate health care services,
101 that the impact of mental illnesses and substance abuse
102 disorders on health indicates the need for health care services
103 to include treatment for mental health and substance abuse
104 disorders for ~~services to~~ children and parents, where

105 appropriate, and that it is in the state's best interest that
106 such children be provided the services they need to enable them
107 to become and remain independent of state care. In order to
108 provide these services, the state's dependency system must have
109 the ability to identify and provide appropriate intervention and
110 treatment for children with personal or family-related mental
111 illness and substance abuse problems.

112 (d) It is the intent of the Legislature to encourage the
113 use of the mental health court program model established under
114 s. 394.47892 and the drug court program model established under
115 ~~by~~ s. 397.334 and authorize courts to assess children and
116 persons who have custody or are requesting custody of children
117 where good cause is shown to identify and address mental
118 illnesses and substance abuse disorders ~~problems~~ as the court
119 deems appropriate at every stage of the dependency process.
120 Participation in treatment, including a mental health court
121 program or a treatment-based drug court program, may be required
122 by the court following adjudication. Participation in assessment
123 and treatment before ~~prior to~~ adjudication is ~~shall be~~
124 voluntary, except as provided in s. 39.407(16).

125 (e) It is therefore the purpose of the Legislature to
126 provide authority for the state to contract with mental health
127 service providers and community substance abuse treatment
128 providers for the development and operation of specialized
129 support and overlay services for the dependency system, which
130 will be fully implemented and used as resources permit.

131 (f) Participation in a mental health court program or a
132 ~~the~~ treatment-based drug court program does not divest any
133 public or private agency of its responsibility for a child or
134 adult, but is intended to enable these agencies to better meet
135 their needs through shared responsibility and resources.

136 Section 2. Subsection (10) of section 39.507, Florida
137 Statutes, is amended to read:

138 39.507 Adjudicatory hearings; orders of adjudication.—

139 (10) After an adjudication of dependency, or a finding of
140 dependency where adjudication is withheld, the court may order a
141 person who has custody or is requesting custody of the child to
142 submit to a mental health or substance abuse disorder assessment
143 or evaluation. The assessment or evaluation must be administered
144 by a qualified professional, as defined in s. 397.311. The court
145 may also require such person to participate in and comply with
146 treatment and services identified as necessary, including, when
147 appropriate and available, participation in and compliance with
148 a mental health court program established under s. 394.47892 or
149 a treatment-based drug court program established under s.
150 397.334. In addition to supervision by the department, the
151 court, including the mental health court program or treatment-
152 based drug court program, may oversee the progress and
153 compliance with treatment by a person who has custody or is
154 requesting custody of the child. The court may impose
155 appropriate available sanctions for noncompliance upon a person
156 who has custody or is requesting custody of the child or make a

157 finding of noncompliance for consideration in determining
158 whether an alternative placement of the child is in the child's
159 best interests. Any order entered under this subsection may be
160 made only upon good cause shown. This subsection does not
161 authorize placement of a child with a person seeking custody,
162 other than the parent or legal custodian, who requires mental
163 health or substance abuse disorder treatment.

164 Section 3. Paragraph (b) of subsection (1) of section
165 39.521, Florida Statutes, is amended to read:

166 39.521 Disposition hearings; powers of disposition.—

167 (1) A disposition hearing shall be conducted by the court,
168 if the court finds that the facts alleged in the petition for
169 dependency were proven in the adjudicatory hearing, or if the
170 parents or legal custodians have consented to the finding of
171 dependency or admitted the allegations in the petition, have
172 failed to appear for the arraignment hearing after proper
173 notice, or have not been located despite a diligent search
174 having been conducted.

175 (b) When any child is adjudicated by a court to be
176 dependent, the court having jurisdiction of the child has the
177 power by order to:

178 1. Require the parent and, when appropriate, the legal
179 custodian and the child to participate in treatment and services
180 identified as necessary. The court may require the person who
181 has custody or who is requesting custody of the child to submit
182 to a mental health or substance abuse disorder assessment or

183 evaluation. The assessment or evaluation must be administered by
184 a qualified professional, as defined in s. 397.311. The court
185 may also require such person to participate in and comply with
186 treatment and services identified as necessary, including, when
187 appropriate and available, participation in and compliance with
188 a mental health court program established under s. 394.47892 or
189 a treatment-based drug court program established under s.
190 397.334. In addition to supervision by the department, the
191 court, including the mental health court program or the
192 treatment-based drug court program, may oversee the progress and
193 compliance with treatment by a person who has custody or is
194 requesting custody of the child. The court may impose
195 appropriate available sanctions for noncompliance upon a person
196 who has custody or is requesting custody of the child or make a
197 finding of noncompliance for consideration in determining
198 whether an alternative placement of the child is in the child's
199 best interests. Any order entered under this subparagraph may be
200 made only upon good cause shown. This subparagraph does not
201 authorize placement of a child with a person seeking custody of
202 the child, other than the child's parent or legal custodian, who
203 requires mental health or substance abuse disorder treatment.

204 2. Require, if the court deems necessary, the parties to
205 participate in dependency mediation.

206 3. Require placement of the child either under the
207 protective supervision of an authorized agent of the department
208 in the home of one or both of the child's parents or in the home

209 of a relative of the child or another adult approved by the
 210 court, or in the custody of the department. Protective
 211 supervision continues until the court terminates it or until the
 212 child reaches the age of 18, whichever date is first. Protective
 213 supervision shall be terminated by the court whenever the court
 214 determines that permanency has been achieved for the child,
 215 whether with a parent, another relative, or a legal custodian,
 216 and that protective supervision is no longer needed. The
 217 termination of supervision may be with or without retaining
 218 jurisdiction, at the court's discretion, and shall in either
 219 case be considered a permanency option for the child. The order
 220 terminating supervision by the department shall set forth the
 221 powers of the custodian of the child and shall include the
 222 powers ordinarily granted to a guardian of the person of a minor
 223 unless otherwise specified. Upon the court's termination of
 224 supervision by the department, no further judicial reviews are
 225 required, so long as permanency has been established for the
 226 child.

227 Section 4. Subsections (1) through (7) of section
 228 394.4655, F.S., are renumbered as subsections (2) through (8),
 229 respectively, paragraph (b) of present subsection (3), paragraph
 230 (b) of present subsection (6), and paragraphs (a) and (c) of
 231 present subsection (7) are amended, and a new subsection (1) is
 232 added to that section, to read:

233 394.4655 Involuntary outpatient placement.—

234 (1) DEFINITIONS.—As used in this section, the term:

235 (a) "Court" means a circuit court or a criminal county
 236 court.

237 (b) "Criminal county court" means a county court
 238 exercising its original jurisdiction in a misdemeanor case under
 239 s. 34.01.

240 ~~(4)(3)~~ PETITION FOR INVOLUNTARY OUTPATIENT PLACEMENT.—

241 (b) Each required criterion for involuntary outpatient
 242 placement must be alleged and substantiated in the petition for
 243 involuntary outpatient placement. A copy of the certificate
 244 recommending involuntary outpatient placement completed by a
 245 qualified professional specified in subsection (3) ~~(2)~~ must be
 246 attached to the petition. A copy of the proposed treatment plan
 247 must be attached to the petition. Before the petition is filed,
 248 the service provider shall certify that the services in the
 249 proposed treatment plan are available. If the necessary services
 250 are not available in the patient's local community to respond to
 251 the person's individual needs, the petition may not be filed.

252 (7) ~~(6)~~ HEARING ON INVOLUNTARY OUTPATIENT PLACEMENT.—

253 (b)1. If the court concludes that the patient meets the
 254 criteria for involuntary outpatient placement pursuant to
 255 subsection (2) ~~(1)~~, the court shall issue an order for
 256 involuntary outpatient placement. The court order shall be for a
 257 period of up to 6 months. The order must specify the nature and
 258 extent of the patient's mental illness. The order of the court
 259 and the treatment plan shall be made part of the patient's
 260 clinical record. The service provider shall discharge a patient

261 from involuntary outpatient placement when the order expires or
262 any time the patient no longer meets the criteria for
263 involuntary placement. Upon discharge, the service provider
264 shall send a certificate of discharge to the court.

265 2. The court may not order the department or the service
266 provider to provide services if the program or service is not
267 available in the patient's local community, if there is no space
268 available in the program or service for the patient, or if
269 funding is not available for the program or service. A copy of
270 the order must be sent to the Agency for Health Care
271 Administration by the service provider within 1 working day
272 after it is received from the court. After the placement order
273 is issued, the service provider and the patient may modify
274 provisions of the treatment plan. For any material modification
275 of the treatment plan to which the patient or the patient's
276 guardian advocate, if appointed, does agree, the service
277 provider shall send notice of the modification to the court. Any
278 material modifications of the treatment plan which are contested
279 by the patient or the patient's guardian advocate, if appointed,
280 must be approved or disapproved by the court consistent with
281 subsection (3) ~~(2)~~.

282 3. If, in the clinical judgment of a physician, the
283 patient has failed or has refused to comply with the treatment
284 ordered by the court, and, in the clinical judgment of the
285 physician, efforts were made to solicit compliance and the
286 patient may meet the criteria for involuntary examination, a

287 person may be brought to a receiving facility pursuant to s.
 288 394.463. If, after examination, the patient does not meet the
 289 criteria for involuntary inpatient placement pursuant to s.
 290 394.467, the patient must be discharged from the receiving
 291 facility. The involuntary outpatient placement order shall
 292 remain in effect unless the service provider determines that the
 293 patient no longer meets the criteria for involuntary outpatient
 294 placement or until the order expires. The service provider must
 295 determine whether modifications should be made to the existing
 296 treatment plan and must attempt to continue to engage the
 297 patient in treatment. For any material modification of the
 298 treatment plan to which the patient or the patient's guardian
 299 advocate, if appointed, does agree, the service provider shall
 300 send notice of the modification to the court. Any material
 301 modifications of the treatment plan which are contested by the
 302 patient or the patient's guardian advocate, if appointed, must
 303 be approved or disapproved by the court consistent with
 304 subsection (3) ~~(2)~~.

305 (8) ~~(7)~~ PROCEDURE FOR CONTINUED INVOLUNTARY OUTPATIENT
 306 PLACEMENT.—

307 (a)1. If the person continues to meet the criteria for
 308 involuntary outpatient placement, the service provider shall,
 309 before the expiration of the period during which the treatment
 310 is ordered for the person, file in the ~~circuit~~ court that issued
 311 the order for involuntary outpatient treatment a petition for
 312 continued involuntary outpatient placement.

313 2. The existing involuntary outpatient placement order
314 remains in effect until disposition on the petition for
315 continued involuntary outpatient placement.

316 3. A certificate shall be attached to the petition which
317 includes a statement from the person's physician or clinical
318 psychologist justifying the request, a brief description of the
319 patient's treatment during the time he or she was involuntarily
320 placed, and an individualized plan of continued treatment.

321 4. The service provider shall develop the individualized
322 plan of continued treatment in consultation with the patient or
323 the patient's guardian advocate, if appointed. When the petition
324 has been filed, the clerk of the court shall provide copies of
325 the certificate and the individualized plan of continued
326 treatment to the department, the patient, the patient's guardian
327 advocate, the state attorney, and the patient's private counsel
328 or the public defender.

329 (c) Hearings on petitions for continued involuntary
330 outpatient placement shall be before the ~~circuit~~ court that
331 issued the order for involuntary outpatient treatment. The court
332 may appoint a master to preside at the hearing. The procedures
333 for obtaining an order pursuant to this paragraph shall be in
334 accordance with subsection (7) ~~(6)~~, except that the time period
335 included in paragraph (2) (e) ~~(1) (e)~~ is not applicable in
336 determining the appropriateness of additional periods of
337 involuntary outpatient placement.

338 Section 5. Paragraph (d) of subsection (2) of section

339 394.4599, Florida Statutes, is amended to read:

340 394.4599 Notice.—

341 (2) INVOLUNTARY ADMISSION.—

342 (d) The written notice of the filing of the petition for
343 involuntary placement of an individual being held must contain
344 the following:

345 1. Notice that the petition for:

346 a. Involuntary inpatient treatment pursuant to s. 394.467
347 has been filed with the circuit court in the county in which the
348 individual is hospitalized and the address of such court; or

349 b. Involuntary outpatient treatment pursuant to s.
350 394.4655 has been filed with the criminal county court, as
351 defined in s. 394.4655(1), or the circuit court, as applicable,
352 in the county in which the individual is hospitalized and the
353 address of such court.

354 2. Notice that the office of the public defender has been
355 appointed to represent the individual in the proceeding, if the
356 individual is not otherwise represented by counsel.

357 3. The date, time, and place of the hearing and the name
358 of each examining expert and every other person expected to
359 testify in support of continued detention.

360 4. Notice that the individual, the individual's guardian,
361 guardian advocate, health care surrogate or proxy, or
362 representative, or the administrator may apply for a change of
363 venue for the convenience of the parties or witnesses or because
364 of the condition of the individual.

365 5. Notice that the individual is entitled to an
366 independent expert examination and, if the individual cannot
367 afford such an examination, that the court will provide for one.

368 Section 6. Paragraphs (g) and (i) of subsection (2) of
369 section 394.463, Florida Statutes, are amended to read:

370 394.463 Involuntary examination.—

371 (2) INVOLUNTARY EXAMINATION.—

372 (g) A person for whom an involuntary examination has been
373 initiated who is being evaluated or treated at a hospital for an
374 emergency medical condition specified in s. 395.002 must be
375 examined by a receiving facility within 72 hours. The 72-hour
376 period begins when the patient arrives at the hospital and
377 ceases when the attending physician documents that the patient
378 has an emergency medical condition. If the patient is examined
379 at a hospital providing emergency medical services by a
380 professional qualified to perform an involuntary examination and
381 is found as a result of that examination not to meet the
382 criteria for involuntary outpatient placement pursuant to s.
383 394.4655(2) ~~394.4655(1)~~ or involuntary inpatient placement
384 pursuant to s. 394.467(1), the patient may be offered voluntary
385 placement, if appropriate, or released directly from the
386 hospital providing emergency medical services. The finding by
387 the professional that the patient has been examined and does not
388 meet the criteria for involuntary inpatient placement or
389 involuntary outpatient placement must be entered into the
390 patient's clinical record. Nothing in this paragraph is intended

391 to prevent a hospital providing emergency medical services from
 392 appropriately transferring a patient to another hospital prior
 393 to stabilization, provided the requirements of s. 395.1041(3)(c)
 394 have been met.

395 (i) Within the 72-hour examination period or, if the 72
 396 hours ends on a weekend or holiday, no later than the next
 397 working day thereafter, one of the following actions must be
 398 taken, based on the individual needs of the patient:

399 1. The patient shall be released, unless he or she is
 400 charged with a crime, in which case the patient shall be
 401 returned to the custody of a law enforcement officer;

402 2. The patient shall be released, subject to the
 403 provisions of subparagraph 1., for voluntary outpatient
 404 treatment;

405 3. The patient, unless he or she is charged with a crime,
 406 shall be asked to give express and informed consent to placement
 407 as a voluntary patient, and, if such consent is given, the
 408 patient shall be admitted as a voluntary patient; or

409 4. A petition for involuntary placement shall be filed in
 410 the circuit court if ~~when outpatient or~~ inpatient treatment is
 411 deemed necessary or with the criminal county court, as defined
 412 in s. 394.4655(1), as applicable. ~~If~~ When inpatient treatment is
 413 deemed necessary, the least restrictive treatment consistent
 414 with the optimum improvement of the patient's condition shall be
 415 made available. When a petition is to be filed for involuntary
 416 outpatient placement, it shall be filed by one of the

417 petitioners specified in s. 394.4655(4)(a) ~~394.4655(3)(a)~~. A
418 petition for involuntary inpatient placement shall be filed by
419 the facility administrator.

420 Section 7. Subsection (34) of section 394.455, Florida
421 Statutes, is amended to read:

422 394.455 Definitions.—As used in this part, unless the
423 context clearly requires otherwise, the term:

424 (34) "Involuntary examination" means an examination
425 performed under s. 394.463 to determine if an individual
426 qualifies for involuntary inpatient treatment under s.
427 394.467(1) or involuntary outpatient treatment under s.
428 394.4655(2) ~~394.4655(1)~~.

429 Section 8. Subsection (3) of section 394.4615, Florida
430 Statutes, is amended to read:

431 394.4615 Clinical records; confidentiality.—

432 (3) Information from the clinical record may be released
433 in the following circumstances:

434 (a) When a patient has declared an intention to harm other
435 persons. When such declaration has been made, the administrator
436 may authorize the release of sufficient information to provide
437 adequate warning to the person threatened with harm by the
438 patient.

439 (b) When the administrator of the facility or secretary of
440 the department deems release to a qualified researcher as
441 defined in administrative rule, an aftercare treatment provider,
442 or an employee or agent of the department is necessary for

443 treatment of the patient, maintenance of adequate records,
 444 compilation of treatment data, aftercare planning, or evaluation
 445 of programs.

446
 447 For the purpose of determining whether a person meets the
 448 criteria for involuntary outpatient placement or for preparing
 449 the proposed treatment plan pursuant to s. 394.4655, the
 450 clinical record may be released to the state attorney, the
 451 public defender or the patient's private legal counsel, the
 452 court, and to the appropriate mental health professionals,
 453 including the service provider identified in s. 394.4655(7)(b)2.
 454 ~~394.4655(6)(b)2.~~, in accordance with state and federal law.

455 Section 9. Section 394.47891, Florida Statutes, is amended
 456 to read:

457 394.47891 Military veterans and servicemembers court
 458 programs.—The chief judge of each judicial circuit may establish
 459 a Military Veterans and Servicemembers Court Program under which
 460 veterans, as defined in s. 1.01, including veterans who were
 461 discharged or released under a general discharge, and
 462 servicemembers, as defined in s. 250.01, who are charged or
 463 convicted of a criminal offense and who suffer from a military-
 464 related mental illness, traumatic brain injury, substance abuse
 465 disorder, or psychological problem can be sentenced in
 466 accordance with chapter 921 in a manner that appropriately
 467 addresses the severity of the mental illness, traumatic brain
 468 injury, substance abuse disorder, or psychological problem

469 through services tailored to the individual needs of the
470 participant. Entry into any Military Veterans and Servicemembers
471 Court Program must be based upon the sentencing court's
472 assessment of the defendant's criminal history, military
473 service, substance abuse treatment needs, mental health
474 treatment needs, amenability to the services of the program, the
475 recommendation of the state attorney and the victim, if any, and
476 the defendant's agreement to enter the program.

477 Section 10. Section 394.47892, Florida Statutes, is
478 created to read:

479 394.47892 Mental health court programs.—

480 (1) Each county may fund a mental health court program
481 under which a defendant in the justice system assessed with a
482 mental illness shall be processed in such a manner as to
483 appropriately address the severity of the identified mental
484 illness through treatment services tailored to the individual
485 needs of the participant. The Legislature intends to encourage
486 the department, the Department of Corrections, the Department of
487 Juvenile Justice, the Department of Health, the Department of
488 Law Enforcement, the Department of Education, and other such
489 agencies, local governments, law enforcement agencies,
490 interested public or private entities, and individuals to
491 support the creation and establishment of problem-solving court
492 programs. Participation in a mental health court program does
493 not relieve a public or private agency of its responsibility for
494 a child or an adult, but enables such agency to better meet the

495 child's or adult's needs through shared responsibility and
496 resources.

497 (2) Mental health court programs may include pretrial
498 intervention programs as provided in ss. 948.08, 948.16, and
499 985.345, postadjudicatory mental health court programs as
500 provided in ss. 948.01 and 948.06, and review of the status of
501 compliance or noncompliance of sentenced defendants through a
502 mental health court program.

503 (3) Entry into a pretrial mental health court program is
504 voluntary.

505 (4) (a) Entry into a postadjudicatory mental health court
506 program as a condition of probation or community control
507 pursuant to s. 948.01 or s. 948.06 must be based upon the
508 sentencing court's assessment of the defendant's criminal
509 history, mental health screening outcome, amenability to the
510 services of the program, and total sentence points; the
511 recommendation of the state attorney and the victim, if any; and
512 the defendant's agreement to enter the program.

513 (b) A defendant who is sentenced to a postadjudicatory
514 mental health court program and who, while a mental health court
515 program participant, is the subject of a violation of probation
516 or community control under s. 948.06 shall have the violation of
517 probation or community control heard by the judge presiding over
518 the postadjudicatory mental health court program. After a
519 hearing on or admission of the violation, the judge shall
520 dispose of any such violation as he or she deems appropriate if

521 the resulting sentence or conditions are lawful.

522 (5) (a) Contingent upon an annual appropriation by the
523 Legislature, the state courts system shall establish, at a
524 minimum, one coordinator position in each mental health court
525 program to coordinate the responsibilities of the participating
526 agencies and service providers. Each coordinator shall provide
527 direct support to the mental health court program by providing
528 coordination between the multidisciplinary team and the
529 judiciary, providing case management, monitoring compliance of
530 the participants in the mental health court program with court
531 requirements, and managing the collection of data for program
532 evaluation and accountability.

533 (b) Each mental health court program shall collect
534 sufficient client-level data and programmatic information for
535 purposes of program evaluation. Client-level data includes
536 primary offenses that resulted in the mental health court
537 program referral or sentence, treatment compliance, completion
538 status and reasons for failure to complete, offenses committed
539 during treatment and the sanctions imposed, frequency of court
540 appearances, and units of service. Programmatic information
541 includes referral and screening procedures, eligibility
542 criteria, type and duration of treatment offered, and
543 residential treatment resources. The programmatic information
544 and aggregate data on the number of mental health court program
545 admissions and terminations by type of termination shall be
546 reported annually by each mental health court program to the

547 Office of the State Courts Administrator.

548 (6) If a county chooses to fund a mental health court
549 program, the county must secure funding from sources other than
550 the state for those costs not otherwise assumed by the state
551 pursuant to s. 29.004. However, this subsection does not
552 preclude counties from using funds for treatment and other
553 services provided through state executive branch agencies.
554 Counties may provide, by interlocal agreement, for the
555 collective funding of these programs.

556 (7) The chief judge of each judicial circuit may appoint
557 an advisory committee for the mental health court program. The
558 committee shall be composed of the chief judge, or his or her
559 designee, who shall serve as chair; the judge or judges of the
560 mental health court program, if not otherwise designated by the
561 chief judge as his or her designee; the state attorney, or his
562 or her designee; the public defender, or his or her designee;
563 the mental health court program coordinator or coordinators;
564 community representatives; treatment representatives; and any
565 other persons who the chair deems appropriate.

566 Section 11. Paragraph (a) of subsection (2) of section
567 790.065, Florida Statutes, is amended to read:

568 790.065 Sale and delivery of firearms.—

569 (2) Upon receipt of a request for a criminal history
570 record check, the Department of Law Enforcement shall, during
571 the licensee's call or by return call, forthwith:

572 (a) Review any records available to determine if the

573 potential buyer or transferee:

574 1. Has been convicted of a felony and is prohibited from
575 receipt or possession of a firearm pursuant to s. 790.23;

576 2. Has been convicted of a misdemeanor crime of domestic
577 violence, and therefore is prohibited from purchasing a firearm;

578 3. Has had adjudication of guilt withheld or imposition of
579 sentence suspended on any felony or misdemeanor crime of
580 domestic violence unless 3 years have elapsed since probation or
581 any other conditions set by the court have been fulfilled or
582 expunction has occurred; or

583 4. Has been adjudicated mentally defective or has been
584 committed to a mental institution by a court or as provided in
585 sub-sub-subparagraph b.(II), and as a result is prohibited by
586 state or federal law from purchasing a firearm.

587 a. As used in this subparagraph, "adjudicated mentally
588 defective" means a determination by a court that a person, as a
589 result of marked subnormal intelligence, or mental illness,
590 incompetency, condition, or disease, is a danger to himself or
591 herself or to others or lacks the mental capacity to contract or
592 manage his or her own affairs. The phrase includes a judicial
593 finding of incapacity under s. 744.331(6)(a), an acquittal by
594 reason of insanity of a person charged with a criminal offense,
595 and a judicial finding that a criminal defendant is not
596 competent to stand trial.

597 b. As used in this subparagraph, "committed to a mental
598 institution" means:

599 (I) Involuntary commitment, commitment for mental
600 defectiveness or mental illness, and commitment for substance
601 abuse. The phrase includes involuntary inpatient placement as
602 defined in s. 394.467, involuntary outpatient placement as
603 defined in s. 394.4655, involuntary assessment and stabilization
604 under s. 397.6818, and involuntary substance abuse treatment
605 under s. 397.6957, but does not include a person in a mental
606 institution for observation or discharged from a mental
607 institution based upon the initial review by the physician or a
608 voluntary admission to a mental institution; or

609 (II) Notwithstanding sub-sub-subparagraph (I), voluntary
610 admission to a mental institution for outpatient or inpatient
611 treatment of a person who had an involuntary examination under
612 s. 394.463, where each of the following conditions have been
613 met:

614 (A) An examining physician found that the person is an
615 imminent danger to himself or herself or others.

616 (B) The examining physician certified that if the person
617 did not agree to voluntary treatment, a petition for involuntary
618 outpatient or inpatient treatment would have been filed under s.
619 394.463(2)(i)4., or the examining physician certified that a
620 petition was filed and the person subsequently agreed to
621 voluntary treatment prior to a court hearing on the petition.

622 (C) Before agreeing to voluntary treatment, the person
623 received written notice of that finding and certification, and
624 written notice that as a result of such finding, he or she may

625 be prohibited from purchasing a firearm, and may not be eligible
626 to apply for or retain a concealed weapon or firearms license
627 under s. 790.06 and the person acknowledged such notice in
628 writing, in substantially the following form:

629 "I understand that the doctor who examined me believes I am a
630 danger to myself or to others. I understand that if I do not
631 agree to voluntary treatment, a petition will be filed in court
632 to require me to receive involuntary treatment. I understand
633 that if that petition is filed, I have the right to contest it.
634 In the event a petition has been filed, I understand that I can
635 subsequently agree to voluntary treatment prior to a court
636 hearing. I understand that by agreeing to voluntary treatment in
637 either of these situations, I may be prohibited from buying
638 firearms and from applying for or retaining a concealed weapons
639 or firearms license until I apply for and receive relief from
640 that restriction under Florida law."

641 (D) A judge or a magistrate has, pursuant to sub-sub-
642 subparagraph c.(II), reviewed the record of the finding,
643 certification, notice, and written acknowledgment classifying
644 the person as an imminent danger to himself or herself or
645 others, and ordered that such record be submitted to the
646 department.

647 c. In order to check for these conditions, the department
648 shall compile and maintain an automated database of persons who
649 are prohibited from purchasing a firearm based on court records
650 of adjudications of mental defectiveness or commitments to

651 mental institutions.

652 (I) Except as provided in sub-sub-subparagraph (II),
653 clerks of court shall submit these records to the department
654 within 1 month after the rendition of the adjudication or
655 commitment. Reports shall be submitted in an automated format.
656 The reports must, at a minimum, include the name, along with any
657 known alias or former name, the sex, and the date of birth of
658 the subject.

659 (II) For persons committed to a mental institution
660 pursuant to sub-sub-subparagraph b.(II), within 24 hours after
661 the person's agreement to voluntary admission, a record of the
662 finding, certification, notice, and written acknowledgment must
663 be filed by the administrator of the receiving or treatment
664 facility, as defined in s. 394.455, with the clerk of the court
665 for the county in which the involuntary examination under s.
666 394.463 occurred. No fee shall be charged for the filing under
667 this sub-sub-subparagraph. The clerk must present the records to
668 a judge or magistrate within 24 hours after receipt of the
669 records. A judge or magistrate is required and has the lawful
670 authority to review the records ex parte and, if the judge or
671 magistrate determines that the record supports the classifying
672 of the person as an imminent danger to himself or herself or
673 others, to order that the record be submitted to the department.
674 If a judge or magistrate orders the submittal of the record to
675 the department, the record must be submitted to the department
676 within 24 hours.

677 d. A person who has been adjudicated mentally defective or
678 committed to a mental institution, as those terms are defined in
679 this paragraph, may petition the ~~circuit~~ court that made the
680 adjudication or commitment, or the court that ordered that the
681 record be submitted to the department pursuant to sub-sub-
682 subparagraph c.(II), for relief from the firearm disabilities
683 imposed by such adjudication or commitment. A copy of the
684 petition shall be served on the state attorney for the county in
685 which the person was adjudicated or committed. The state
686 attorney may object to and present evidence relevant to the
687 relief sought by the petition. The hearing on the petition may
688 be open or closed as the petitioner may choose. The petitioner
689 may present evidence and subpoena witnesses to appear at the
690 hearing on the petition. The petitioner may confront and cross-
691 examine witnesses called by the state attorney. A record of the
692 hearing shall be made by a certified court reporter or by court-
693 approved electronic means. The court shall make written findings
694 of fact and conclusions of law on the issues before it and issue
695 a final order. The court shall grant the relief requested in the
696 petition if the court finds, based on the evidence presented
697 with respect to the petitioner's reputation, the petitioner's
698 mental health record and, if applicable, criminal history
699 record, the circumstances surrounding the firearm disability,
700 and any other evidence in the record, that the petitioner will
701 not be likely to act in a manner that is dangerous to public
702 safety and that granting the relief would not be contrary to the

703 public interest. If the final order denies relief, the
704 petitioner may not petition again for relief from firearm
705 disabilities until 1 year after the date of the final order. The
706 petitioner may seek judicial review of a final order denying
707 relief in the district court of appeal having jurisdiction over
708 the court that issued the order. The review shall be conducted
709 de novo. Relief from a firearm disability granted under this
710 sub-subparagraph has no effect on the loss of civil rights,
711 including firearm rights, for any reason other than the
712 particular adjudication of mental defectiveness or commitment to
713 a mental institution from which relief is granted.

714 e. Upon receipt of proper notice of relief from firearm
715 disabilities granted under sub-subparagraph d., the department
716 shall delete any mental health record of the person granted
717 relief from the automated database of persons who are prohibited
718 from purchasing a firearm based on court records of
719 adjudications of mental defectiveness or commitments to mental
720 institutions.

721 f. The department is authorized to disclose data collected
722 pursuant to this subparagraph to agencies of the Federal
723 Government and other states for use exclusively in determining
724 the lawfulness of a firearm sale or transfer. The department is
725 also authorized to disclose this data to the Department of
726 Agriculture and Consumer Services for purposes of determining
727 eligibility for issuance of a concealed weapons or concealed
728 firearms license and for determining whether a basis exists for

729 | revoking or suspending a previously issued license pursuant to
 730 | s. 790.06(10). When a potential buyer or transferee appeals a
 731 | nonapproval based on these records, the clerks of court and
 732 | mental institutions shall, upon request by the department,
 733 | provide information to help determine whether the potential
 734 | buyer or transferee is the same person as the subject of the
 735 | record. Photographs and any other data that could confirm or
 736 | negate identity must be made available to the department for
 737 | such purposes, notwithstanding any other provision of state law
 738 | to the contrary. Any such information that is made confidential
 739 | or exempt from disclosure by law shall retain such confidential
 740 | or exempt status when transferred to the department.

741 | Section 12. Paragraph (a) of subsection (5) of section
 742 | 910.035, Florida Statutes, is amended to read:

743 | 910.035 Transfer from county for plea, sentence, or
 744 | participation in a problem-solving court.—

745 | (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING
 746 | COURT.—

747 | (a) For purposes of this subsection, the term "problem-
 748 | solving court" means a drug court pursuant to s. 948.01, s.
 749 | 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'
 750 | and servicemembers' court pursuant to s. 394.47891, s. 948.08,
 751 | s. 948.16, or s. 948.21; ~~or~~ a mental health court program
 752 | pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s.
 753 | 948.16; or a delinquency pretrial intervention court program
 754 | pursuant to s. 985.345.

755 Section 13. Section 916.185, Florida Statutes, is created
756 to read:

757 916.185 Forensic Hospital Diversion Pilot Program.—

758 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
759 that many jail inmates who have serious mental illnesses and who
760 are committed to state forensic mental health treatment
761 facilities for restoration of competency to proceed could be
762 served more effectively and at less cost in community-based
763 alternative programs. The Legislature further finds that many
764 people who have serious mental illnesses and who have been
765 discharged from state forensic mental health treatment
766 facilities could avoid returning to the criminal justice and
767 forensic mental health systems if they received specialized
768 treatment in the community. Therefore, it is the intent of the
769 Legislature to create the Forensic Hospital Diversion Pilot
770 Program to serve offenders who have mental illnesses or co-
771 occurring mental illnesses and substance use disorders and who
772 are involved in or at risk of entering state forensic mental
773 health treatment facilities, prisons, jails, or state civil
774 mental health treatment facilities.

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

776 (a) "Best practices" means treatment services that
777 incorporate the most effective and acceptable interventions
778 available in the care and treatment of offenders who are
779 diagnosed as having mental illnesses or co-occurring mental
780 illnesses and substance use disorders.

781 (b) "Community forensic system" means the community mental
782 health and substance use forensic treatment system, including
783 the comprehensive set of services and supports provided to
784 offenders involved in or at risk of becoming involved in the
785 criminal justice system.

786 (c) "Evidence-based practices" means interventions and
787 strategies that, based on the best available empirical research,
788 demonstrate effective and efficient outcomes in the care and
789 treatment of offenders who are diagnosed as having mental
790 illnesses or co-occurring mental illnesses and substance use
791 disorders.

792 (3) CREATION.—There is authorized a Forensic Hospital
793 Diversion Pilot Program to provide competency-restoration and
794 community-reintegration services in either a locked residential
795 treatment facility when appropriate or a community-based
796 facility based on considerations of public safety, the needs of
797 the individual, and available resources.

798 (a) The department may implement a Forensic Hospital
799 Diversion Pilot Program modeled after the Miami-Dade Forensic
800 Alternative Center, taking into account local needs and
801 resources in Duval County, in conjunction with the Fourth
802 Judicial Circuit in Duval County; in Broward County, in
803 conjunction with the Seventeenth Judicial Circuit in Broward
804 County; and in Miami-Dade County, in conjunction with the
805 Eleventh Judicial Circuit in Miami-Dade County.

806 (b) If the department elects to create and implement the

807 program, the department shall include a comprehensive continuum
808 of care and services that use evidence-based practices and best
809 practices to treat offenders who have mental health and co-
810 occurring substance use disorders.

811 (c) The department and the corresponding judicial circuits
812 may implement this section if existing resources are available
813 to do so on a recurring basis. The department may request budget
814 amendments pursuant to chapter 216 to realign funds between
815 mental health services and community substance abuse and mental
816 health services in order to implement this pilot program.

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

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

820 (b) Are charged with a felony of the second degree or a
821 felony of the third degree.

822 (c) Do not have a significant history of violent criminal
823 offenses.

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

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

828 (f) Otherwise would be admitted to a state mental health
829 treatment facility.

830 (5) TRAINING.—The Legislature encourages the Florida
831 Supreme Court, in consultation and cooperation with the Florida
832 Supreme Court Task Force on Substance Abuse and Mental Health

833 Issues in the Courts, to develop educational training for judges
834 in the pilot program areas which focuses on the community
835 forensic system.

836 (6) RULEMAKING.—The department may adopt rules to
837 administer this section.

838 Section 14. Subsections (6) through (13) of section
839 948.001, Florida Statutes, are renumbered as subsections (7)
840 through (14), respectively, and a new subsection (6) is added to
841 that section, to read:

842 948.001 Definitions.—As used in this chapter, the term:

843 (6) "Mental health probation" means a form of specialized
844 supervision that emphasizes mental health treatment and working
845 with treatment providers to focus on underlying mental health
846 disorders and compliance with a prescribed psychotropic
847 medication regimen in accordance with individualized treatment
848 plans. Mental health probation shall be supervised by officers
849 with restricted caseloads who are sensitive to the unique needs
850 of individuals with mental health disorders, and who will work
851 in tandem with community mental health case managers assigned to
852 the defendant. Caseloads of such officers should be restricted
853 to a maximum of 50 cases per officer in order to ensure an
854 adequate level of staffing and supervision.

855 Section 15. Subsection (8) is added to section 948.01,
856 Florida Statutes, to read:

857 948.01 When court may place defendant on probation or into
858 community control.—

859 (8) (a) Notwithstanding s. 921.0024 and effective for
860 offenses committed on or after July 1, 2016, the sentencing
861 court may place the defendant into a postadjudicatory mental
862 health court program if the offense is a nonviolent felony, the
863 defendant is amenable to mental health treatment, including
864 taking prescribed medications, and the defendant is otherwise
865 qualified under s. 394.47892(4). The satisfactory completion of
866 the program must be a condition of the defendant's probation or
867 community control. As used in this subsection, the term
868 "nonviolent felony" means a third degree felony violation under
869 chapter 810 or any other felony offense that is not a forcible
870 felony as defined in s. 776.08. Defendants charged with
871 resisting an officer with violence under s. 843.01, battery on a
872 law enforcement officer under s. 784.07, or aggravated assault
873 may participate in the mental health court program if the court
874 so orders after the victim is given his or her right to provide
875 testimony or written statement to the court as provided in s.
876 921.143.

877 (b) The defendant must be fully advised of the purpose of
878 the mental health court program and the defendant must agree to
879 enter the program. The original sentencing court shall
880 relinquish jurisdiction of the defendant's case to the
881 postadjudicatory mental health court program until the defendant
882 is no longer active in the program, the case is returned to the
883 sentencing court due to the defendant's termination from the
884 program for failure to comply with the terms thereof, or the

885 defendant's sentence is completed.

886 (c) The Department of Corrections may establish designated
887 and trained mental health probation officers to support
888 individuals under supervision of the mental health court
889 program.

890 Section 16. Paragraph (j) is added to subsection (2) of
891 section 948.06, Florida Statutes, to read:

892 948.06 Violation of probation or community control;
893 revocation; modification; continuance; failure to pay
894 restitution or cost of supervision.—

895 (2)

896 (j)1. Notwithstanding s. 921.0024 and effective for
897 offenses committed on or after July 1, 2016, the court may order
898 the offender to successfully complete a postadjudicatory mental
899 health court program under s. 394.47892 or a military veterans
900 and servicemembers court program under s. 394.47891 if:

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

903 b. The underlying offense is a nonviolent felony. As used
904 in this subsection, the term "nonviolent felony" means a third
905 degree felony violation under chapter 810 or any other felony
906 offense that is not a forcible felony as defined in s. 776.08.
907 Offenders charged with resisting an officer with violence under
908 s. 843.01, battery on a law enforcement officer under s. 784.07,
909 or aggravated assault may participate in the mental health court
910 program if the court so orders after the victim is given his or

911 her right to provide testimony or written statement to the court
912 as provided in s. 921.143;

913 c. The court determines that the offender is amenable to
914 the services of a postadjudicatory mental health court program,
915 including taking prescribed medications, or a military veterans
916 and servicemembers court program;

917 d. The court explains the purpose of the program to the
918 offender and the offender agrees to participate; and

919 e. The offender is otherwise qualified to participate in a
920 postadjudicatory mental health court program under s.
921 394.47892(4) or a military veterans and servicemembers court
922 program under s. 394.47891.

923 2. After the court orders the modification of community
924 control or probation, the original sentencing court shall
925 relinquish jurisdiction of the offender's case to the
926 postadjudicatory mental health court program until the offender
927 is no longer active in the program, the case is returned to the
928 sentencing court due to the offender's termination from the
929 program for failure to comply with the terms thereof, or the
930 offender's sentence is completed.

931 Section 17. Subsection (8) of section 948.08, Florida
932 Statutes, is renumbered as subsection (9), paragraph (a) of
933 subsection (7) is amended, and a new subsection (8) is added to
934 that section, to read:

935 948.08 Pretrial intervention program.—

936 (7) (a) Notwithstanding any provision of this section, a

937 person who is charged with a felony, other than a felony listed
938 in s. 948.06(8)(c), and identified as a veteran, as defined in
939 s. 1.01, including a veteran who is discharged or released under
940 a general discharge, or servicemember, as defined in s. 250.01,
941 who suffers from a military service-related mental illness,
942 traumatic brain injury, substance abuse disorder, or
943 psychological problem, is eligible for voluntary admission into
944 a pretrial veterans' treatment intervention program approved by
945 the chief judge of the circuit, upon motion of either party or
946 the court's own motion, except:

947 1. If a defendant was previously offered admission to a
948 pretrial veterans' treatment intervention program at any time
949 before trial and the defendant rejected that offer on the
950 record, the court may deny the defendant's admission to such a
951 program.

952 2. If a defendant previously entered a court-ordered
953 veterans' treatment program, the court may deny the defendant's
954 admission into the pretrial veterans' treatment program.

955 (8)(a) Notwithstanding any provision of this section, a
956 defendant is eligible for voluntary admission into a pretrial
957 mental health court program established pursuant to s. 394.47892
958 and approved by the chief judge of the circuit for a period to
959 be determined by the court, based on the clinical needs of the
960 defendant, upon motion of either party or the court's own motion
961 if:

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

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

964 3. The defendant is charged with:

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

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

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

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

976 (b) At the end of the pretrial intervention period, the
977 court shall consider the recommendation of the program
978 administrator and the recommendation of the state attorney as to
979 disposition of the pending charges. The court shall determine,
980 by written finding, whether the defendant has successfully
981 completed the pretrial intervention program. If the court finds
982 that the defendant has not successfully completed the pretrial
983 intervention program, the court may order the person to continue
984 in education and treatment, which may include a mental health
985 program offered by a licensed service provider, as defined in s.
986 394.455, or order that the charges revert to normal channels for
987 prosecution. The court shall dismiss the charges upon a finding
988 that the defendant has successfully completed the pretrial

989 intervention program.

990 Section 18. Subsections (3) and (4) of section 948.16,
991 Florida Statutes, are renumbered as subsections (4) and (5),
992 respectively, paragraph (a) of subsection (2) and present
993 subsection (4) of that section are amended, and a new subsection
994 (3) is added to that section, to read:

995 948.16 Misdemeanor pretrial substance abuse education and
996 treatment intervention program; misdemeanor pretrial veterans'
997 treatment intervention program; misdemeanor pretrial mental
998 health court program.-

999 (2) (a) A veteran, as defined in s. 1.01, including a
1000 veteran who is discharged or released under a general discharge,
1001 or servicemember, as defined in s. 250.01, who suffers from a
1002 military service-related mental illness, traumatic brain injury,
1003 substance abuse disorder, or psychological problem, and who is
1004 charged with a misdemeanor is eligible for voluntary admission
1005 into a misdemeanor pretrial veterans' treatment intervention
1006 program approved by the chief judge of the circuit, for a period
1007 based on the program's requirements and the treatment plan for
1008 the offender, upon motion of either party or the court's own
1009 motion. However, the court may deny the defendant admission into
1010 a misdemeanor pretrial veterans' treatment intervention program
1011 if the defendant has previously entered a court-ordered
1012 veterans' treatment program.

1013 (3) A defendant who is charged with a misdemeanor and
1014 identified as having a mental illness is eligible for voluntary

1015 admission into a misdemeanor pretrial mental health court
 1016 program established pursuant to s. 394.47892, approved by the
 1017 chief judge of the circuit, for a period to be determined by the
 1018 court, based on the clinical needs of the defendant, upon motion
 1019 of either party or the court's own motion.

1020 (5)-(4) Any public or private entity providing a pretrial
 1021 substance abuse education and treatment program or mental health
 1022 court program under this section shall contract with the county
 1023 or appropriate governmental entity. The terms of the contract
 1024 shall include, but not be limited to, the requirements
 1025 established for private entities under s. 948.15(3). This
 1026 requirement does not apply to services provided by the
 1027 Department of Veterans' Affairs or the United States Department
 1028 of Veterans Affairs.

1029 Section 19. Section 948.21, Florida Statutes, is amended
 1030 to read:

1031 948.21 Condition of probation or community control;
 1032 military servicemembers and veterans.—

1033 (1) Effective for a probationer or community controllee
 1034 whose crime is ~~was~~ committed on or after July 1, 2012, and who
 1035 is a veteran, as defined in s. 1.01, or servicemember, as
 1036 defined in s. 250.01, who suffers from a military service-
 1037 related mental illness, traumatic brain injury, substance abuse
 1038 disorder, or psychological problem, the court may, in addition
 1039 to any other conditions imposed, impose a condition requiring
 1040 the probationer or community controllee to participate in a

1041 treatment program capable of treating the probationer's
1042 ~~probationer~~ or community controllee's mental illness, traumatic
1043 brain injury, substance abuse disorder, or psychological
1044 problem.

1045 (2) Effective for a probationer or community controllee
1046 whose crime is committed on or after July 1, 2016, and who is a
1047 veteran, as defined in s. 1.01, including a veteran who is
1048 discharged or released under a general discharge, or
1049 servicemember, as defined in s. 250.01, who suffers from a
1050 military service-related mental illness, traumatic brain injury,
1051 substance abuse disorder, or psychological problem, the court
1052 may, in addition to any other conditions imposed, impose a
1053 condition requiring the probationer or community controllee to
1054 participate in a treatment program capable of treating the
1055 probationer or community controllee's mental illness, traumatic
1056 brain injury, substance abuse disorder, or psychological
1057 problem.

1058 (3) The court shall give preference to treatment programs
1059 for which the probationer or community controllee is eligible
1060 through the United States Department of Veterans Affairs or the
1061 Florida Department of Veterans' Affairs. The Department of
1062 Corrections is not required to spend state funds to implement
1063 this section.

1064 Section 20. Section 985.345, Florida Statutes, is amended
1065 to read:

1066 985.345 Delinquency pretrial intervention programs

1067 ~~program.~~—

1068 (1) (a) Notwithstanding any other ~~provision of law to the~~

1069 ~~contrary~~, a child who is charged with a felony of the second or

1070 third degree for purchase or possession of a controlled

1071 substance under chapter 893; tampering with evidence;

1072 solicitation for purchase of a controlled substance; or

1073 obtaining a prescription by fraud, and who has not previously

1074 been adjudicated for a felony, is eligible for voluntary

1075 admission into a delinquency pretrial substance abuse education

1076 and treatment intervention program, including a treatment-based

1077 drug court program established pursuant to s. 397.334, approved

1078 by the chief judge or alternative sanctions coordinator of the

1079 circuit to the extent that funded programs are available, for a

1080 period based on the program requirements and the treatment

1081 services that are suitable for the offender, upon motion of

1082 either party or the court's own motion. However, if the state

1083 attorney believes that the facts and circumstances of the case

1084 suggest the child's involvement in the dealing and selling of

1085 controlled substances, the court shall hold a preadmission

1086 hearing. If the state attorney establishes by a preponderance of

1087 the evidence at such hearing that the child was involved in the

1088 dealing and selling of controlled substances, the court shall

1089 deny the child's admission into a delinquency pretrial

1090 intervention program.

1091 (b) ~~(2)~~ While enrolled in a delinquency pretrial

1092 intervention program authorized by this subsection ~~section~~, a

1093 child is subject to a coordinated strategy developed by a drug
 1094 court team under s. 397.334(4). The coordinated strategy may
 1095 include a protocol of sanctions that may be imposed upon the
 1096 child for noncompliance with program rules. The protocol of
 1097 sanctions may include, but is not limited to, placement in a
 1098 substance abuse treatment program offered by a licensed service
 1099 provider as defined in s. 397.311 or serving a period of secure
 1100 detention under this chapter. The coordinated strategy must be
 1101 provided in writing to the child before the child agrees to
 1102 enter the pretrial treatment-based drug court program or other
 1103 pretrial intervention program. A ~~Any~~ child whose charges are
 1104 dismissed after successful completion of the treatment-based
 1105 drug court program, if otherwise eligible, may have his or her
 1106 arrest record and plea of nolo contendere to the dismissed
 1107 charges expunged under s. 943.0585.

1108 (c) ~~(3)~~ At the end of the delinquency pretrial intervention
 1109 period, the court shall consider the recommendation of the state
 1110 attorney and the program administrator as to disposition of the
 1111 pending charges. The court shall determine, by written finding,
 1112 whether the child has successfully completed the delinquency
 1113 pretrial intervention program. Notwithstanding the coordinated
 1114 strategy developed by a drug court team pursuant to s.
 1115 397.334(4), if the court finds that the child has not
 1116 successfully completed the delinquency pretrial intervention
 1117 program, the court may order the child to continue in an
 1118 education, treatment, or drug testing ~~urine monitoring~~ program

1119 | if resources and funding are available or order that the charges
1120 | revert to normal channels for prosecution. The court may dismiss
1121 | the charges upon a finding that the child has successfully
1122 | completed the delinquency pretrial intervention program.

1123 | (2) (a) Notwithstanding any other law, a child who has been
1124 | identified as having a mental illness and who has not been
1125 | previously adjudicated for a felony is eligible for voluntary
1126 | admission into a delinquency pretrial mental health court
1127 | intervention program, established pursuant to s. 394.47892,
1128 | approved by the chief judge of the circuit, for a period to be
1129 | determined by the court, based on the clinical needs of the
1130 | child, upon motion of either party or the court's own motion if
1131 | the child is charged with:

- 1132 | 1. A misdemeanor;
1133 | 2. A nonviolent felony, as defined in s. 948.01(8);
1134 | 3. Resisting an officer with violence under s. 843.01, if
1135 | the law enforcement officer and state attorney consent to the
1136 | child's participation;
1137 | 4. Battery on a law enforcement officer under 784.07, if
1138 | the law enforcement officer and state attorney consent to the
1139 | child's participation; or
1140 | 5. Aggravated assault, if the victim and state attorney
1141 | consent to the child's participation.

1142 | (b) At the end of the delinquency pretrial mental health
1143 | court intervention period, the court shall consider the
1144 | recommendation of the state attorney and the program

1145 administrator as to disposition of the pending charges. The
1146 court shall determine, by written finding, whether the child has
1147 successfully completed the program. If the court finds that the
1148 child has not successfully completed the program, the court may
1149 order the child to continue in an education, treatment, or
1150 monitoring program if resources and funding are available or
1151 order that the charges revert to normal channels for
1152 prosecution. The court may dismiss the charges upon a finding
1153 that the child has successfully completed the program.

1154 (c) A child whose charges are dismissed after successful
1155 completion of the delinquency pretrial mental health court
1156 intervention program, if otherwise eligible, may have his or her
1157 criminal history record for such charges expunged under s.
1158 943.0585.

1159 (3)~~(4)~~ Any entity, whether public or private, providing
1160 pretrial substance abuse education, treatment intervention, drug
1161 testing, or a mental health court ~~and a urine monitoring program~~
1162 under this section must contract with the county or appropriate
1163 governmental entity, and the terms of the contract must include,
1164 but need not be limited to, the requirements established for
1165 private entities under s. 948.15(3). It is the intent of the
1166 Legislature that public or private entities providing substance
1167 abuse education and treatment intervention programs involve the
1168 active participation of parents, schools, churches, businesses,
1169 law enforcement agencies, and the department or its contract
1170 providers.

1171 Section 21. For the purpose of incorporating the
 1172 amendments made by this act to sections 948.01 and 948.06,
 1173 Florida Statutes, in references thereto, paragraph (a) of
 1174 subsection (3) and subsection (5) of section 397.334, Florida
 1175 Statutes, are reenacted to read:

1176 397.334 Treatment-based drug court programs.—

1177 (3) (a) Entry into any postadjudicatory treatment-based
 1178 drug court program as a condition of probation or community
 1179 control pursuant to s. 948.01, s. 948.06, or s. 948.20 must be
 1180 based upon the sentencing court's assessment of the defendant's
 1181 criminal history, substance abuse screening outcome, amenability
 1182 to the services of the program, total sentence points, the
 1183 recommendation of the state attorney and the victim, if any, and
 1184 the defendant's agreement to enter the program.

1185 (5) Treatment-based drug court programs may include
 1186 pretrial intervention programs as provided in ss. 948.08,
 1187 948.16, and 985.345, treatment-based drug court programs
 1188 authorized in chapter 39, postadjudicatory programs as provided
 1189 in ss. 948.01, 948.06, and 948.20, and review of the status of
 1190 compliance or noncompliance of sentenced offenders through a
 1191 treatment-based drug court program. While enrolled in a
 1192 treatment-based drug court program, the participant is subject
 1193 to a coordinated strategy developed by a drug court team under
 1194 subsection (4). The coordinated strategy may include a protocol
 1195 of sanctions that may be imposed upon the participant for
 1196 noncompliance with program rules. The protocol of sanctions may

1197 include, but is not limited to, placement in a substance abuse
1198 treatment program offered by a licensed service provider as
1199 defined in s. 397.311 or in a jail-based treatment program or
1200 serving a period of secure detention under chapter 985 if a
1201 child or a period of incarceration within the time limits
1202 established for contempt of court if an adult. The coordinated
1203 strategy must be provided in writing to the participant before
1204 the participant agrees to enter into a treatment-based drug
1205 court program.

1206 Section 22. For the purpose of incorporating the amendment
1207 made by this act to section 948.06, Florida Statutes, in a
1208 reference thereto, paragraph (b) of subsection (2) of section
1209 948.012, Florida Statutes, is reenacted to read:

1210 948.012 Split sentence of probation or community control
1211 and imprisonment.—

1212 (2) The court may also impose a split sentence whereby the
1213 defendant is sentenced to a term of probation which may be
1214 followed by a period of incarceration or, with respect to a
1215 felony, into community control, as follows:

1216 (b) If the offender does not meet the terms and conditions
1217 of probation or community control, the court may revoke, modify,
1218 or continue the probation or community control as provided in s.
1219 948.06. If the probation or community control is revoked, the
1220 court may impose any sentence that it could have imposed at the
1221 time the offender was placed on probation or community control.
1222 The court may not provide credit for time served for any portion

1223 of a probation or community control term toward a subsequent
1224 term of probation or community control. However, the court may
1225 not impose a subsequent term of probation or community control
1226 which, when combined with any amount of time served on preceding
1227 terms of probation or community control for offenses pending
1228 before the court for sentencing, would exceed the maximum
1229 penalty allowable as provided in s. 775.082. Such term of
1230 incarceration shall be served under applicable law or county
1231 ordinance governing service of sentences in state or county
1232 jurisdiction. This paragraph does not prohibit any other
1233 sanction provided by law.

1234 Section 23. This act shall take effect July 1, 2016.