

By Senator Diaz de la Portilla

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1 A bill to be entitled
2 An act relating to mental health services in the
3 criminal justice system; amending s. 394.47891, F.S.;
4 expanding eligibility for military veterans and
5 servicemembers court programs; creating s. 394.47892,
6 F.S.; authorizing the creation of treatment-based
7 mental health court programs; providing for
8 eligibility; providing program requirements; providing
9 requirements for judicial circuits and counties that
10 participate in the program; providing for an advisory
11 committee; amending s. 910.035, F.S.; revising the
12 definition of the term "problem-solving court";
13 amending s. 916.106, F.S.; redefining the term "court"
14 to include county courts in certain circumstances;
15 amending s. 916.17, F.S.; authorizing a county court
16 to order the conditional release of a defendant for
17 the provision of outpatient care and treatment;
18 creating s. 916.185, F.S.; creating the Forensic
19 Hospital Diversion Pilot Program; providing
20 legislative findings and intent; providing
21 definitions; authorizing the Department of Children
22 and Families to implement a Forensic Hospital
23 Diversion Pilot Program in specified judicial
24 circuits; providing for eligibility for the program;
25 providing legislative intent concerning training;
26 authorizing rulemaking; amending ss. 948.01 and
27 948.06, F.S.; providing for courts to order certain
28 offenders on probation or community control to
29 postadjudicatory mental health court programs;

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30 amending s. 948.08, F.S.; expanding eligibility
31 requirements for certain pretrial intervention
32 programs; providing for voluntary admission into a
33 pretrial mental health court program; amending s.
34 948.16, F.S.; expanding eligibility of veterans for a
35 misdemeanor pretrial veterans' treatment intervention
36 program; providing eligibility of misdemeanor
37 defendants for a misdemeanor pretrial mental health
38 court program; amending s. 948.21, F.S.; expanding
39 veterans' eligibility for participating in treatment
40 programs while on court-ordered probation or community
41 control; amending s. 985.345, F.S.; authorizing
42 pretrial mental health court programs for certain
43 juvenile offenders; providing for disposition of
44 pending charges after completion of the pretrial
45 intervention program; reenacting ss. 394.658(1)(a) and
46 916.16(2), F.S., relating to diverting individuals
47 from judicial commitment to community-based service
48 programs and the jurisdiction of committing courts,
49 respectively, to incorporate the amendment made to s.
50 916.17, F.S., in references thereto; reenacting s.
51 397.334(3)(a) and (5), F.S., relating to treatment-
52 based drug court programs, to incorporate the
53 amendments made to ss. 948.01 and 948.06, F.S., in
54 references thereto; reenacting s. 948.012(2)(b), F.S.,
55 relating to split sentence probation or community
56 control and imprisonment, to incorporate the amendment
57 made to s. 948.06, F.S., in a reference thereto;
58 providing an effective date.

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

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

394.47891 Military veterans and servicemembers court programs.—The chief judge of each judicial circuit may establish a Military Veterans and Servicemembers Court Program under which veterans, as defined in s. 1.01, including veterans who were discharged or released under a general discharge, and servicemembers, as defined in s. 250.01, who are charged or convicted of a criminal offense and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem can be sentenced in accordance with chapter 921 in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any Military Veterans and Servicemembers Court Program must be based upon the sentencing court's assessment of the defendant's criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

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

394.47892 Treatment-based mental health court programs.—
(1) Each county may fund a treatment-based mental health

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88 court program under which defendants in the justice system
89 assessed with a mental illness shall be processed in such a
90 manner as to appropriately address the severity of the
91 identified mental illness through treatment services tailored to
92 the individual needs of the participant. The Legislature intends
93 to encourage the department, the Department of Corrections, the
94 Department of Juvenile Justice, the Department of Health, the
95 Department of Law Enforcement, the Department of Education, and
96 other such agencies, local governments, law enforcement
97 agencies, interested public or private entities, and individuals
98 to support the creation and establishment of problem-solving
99 court programs. Participation in a treatment-based mental health
100 court program does not relieve a public or private agency of its
101 responsibility for a child or an adult, but enables such agency
102 to better meet the child's or adult's needs through shared
103 responsibility and resources.

104 (2) Treatment-based mental health court programs may
105 include pretrial intervention programs as provided in ss.
106 948.08, 948.16, and 985.345, postadjudicatory treatment-based
107 mental health court programs as provided in ss. 948.01 and
108 948.06, and review of the status of compliance or noncompliance
109 of sentenced defendants through a treatment-based mental health
110 court program.

111 (3) Entry into a pretrial treatment-based mental health
112 court program is voluntary.

113 (4) (a) Entry into a postadjudicatory treatment-based mental
114 health court program as a condition of probation or community
115 control pursuant to s. 948.01 or s. 948.06 must be based upon
116 the sentencing court's assessment of the defendant's criminal

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117 history, mental health screening outcome, amenability to the
118 services of the program, and total sentence points; the
119 recommendation of the state attorney and the victim, if any; and
120 the defendant's agreement to enter the program.

121 (b) A defendant who is sentenced to a postadjudicatory
122 mental health court program and who, while a mental health court
123 participant, is the subject of a violation of probation or
124 community control under s. 948.06 shall have the violation of
125 probation or community control heard by the judge presiding over
126 the postadjudicatory mental health court program. After a
127 hearing on or admission of the violation, the judge shall
128 dispose of any such violation as he or she deems appropriate if
129 the resulting sentence or conditions are lawful.

130 (5) (a) Contingent upon an annual appropriation by the
131 Legislature, each judicial circuit shall establish, at a
132 minimum, one coordinator position for the treatment-based mental
133 health court program within the state courts system to
134 coordinate the responsibilities of the participating agencies
135 and service providers. Each coordinator shall provide direct
136 support to the treatment-based mental health court program by
137 providing coordination between the multidisciplinary team and
138 the judiciary, providing case management, monitoring compliance
139 of the participants in the treatment-based mental health court
140 program with court requirements, and providing program
141 evaluation and accountability.

142 (b) Each circuit shall report sufficient client-level and
143 programmatic data to the Office of the State Courts
144 Administrator annually for purposes of program evaluation.
145 Client-level data include primary offenses that resulted in the

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146 mental health court referral or sentence, treatment compliance,
147 completion status and reasons for failure to complete, offenses
148 committed during treatment and the sanctions imposed, frequency
149 of court appearances, and units of service. Programmatic data
150 include referral and screening procedures, eligibility criteria,
151 type and duration of treatment offered, and residential
152 treatment resources.

153 (6) If a county chooses to fund a treatment-based mental
154 health court program, the county must secure funding from
155 sources other than the state for those costs not otherwise
156 assumed by the state pursuant to s. 29.004. However, this
157 subsection does not preclude counties from using funds for
158 treatment and other services provided through state executive
159 branch agencies. Counties may provide, by interlocal agreement,
160 for the collective funding of these programs.

161 (7) The chief judge of each judicial circuit may appoint an
162 advisory committee for the treatment-based mental health court
163 program. The committee shall be composed of the chief judge, or
164 his or her designee, who shall serve as chair; the judge of the
165 treatment-based mental health court program, if not otherwise
166 designated by the chief judge as his or her designee; the state
167 attorney, or his or her designee; the public defender, or his or
168 her designee; the treatment-based mental health court program
169 coordinators; community representatives; treatment
170 representatives; and any other persons who the chair deems
171 appropriate.

172 Section 3. Paragraph (a) of subsection (5) of section
173 910.035, Florida Statutes, is amended to read:

174 910.035 Transfer from county for plea, sentence, or

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175 participation in a problem-solving court.-

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

177 (a) For purposes of this subsection, the term "problem-
178 solving court" means a drug court pursuant to s. 948.01, s.
179 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'
180 and servicemembers' court pursuant to s. 394.47891, s. 948.08,
181 s. 948.16, or s. 948.21; ~~or~~ a mental health court pursuant to s.
182 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; or a
183 delinquency pretrial intervention court program pursuant to s.
184 985.345.

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

187 916.106 Definitions.—For the purposes of this chapter, the
188 term:

189 (5) "Court" means the circuit court and includes a county
190 court ordering the conditional release of a defendant as
191 provided in s. 916.17.

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

194 916.17 Conditional release.—

195 (1) Except for an inmate currently serving a prison
196 sentence, the committing court may order a conditional release
197 of any defendant in lieu of an involuntary commitment to a
198 facility pursuant to s. 916.13 or s. 916.15 based upon an
199 approved plan for providing appropriate outpatient care and
200 treatment. A county court may order the conditional release of a
201 defendant for purposes of the provision of outpatient care and
202 treatment only. Upon a recommendation that outpatient treatment
203 of the defendant is appropriate, a written plan for outpatient

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204 treatment, including recommendations from qualified
205 professionals, must be filed with the court, with copies to all
206 parties. Such a plan may also be submitted by the defendant and
207 filed with the court with copies to all parties. The plan shall
208 include:

209 (a) Special provisions for residential care or adequate
210 supervision of the defendant.

211 (b) Provisions for outpatient mental health services.

212 (c) If appropriate, recommendations for auxiliary services
213 such as vocational training, educational services, or special
214 medical care.

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216 In its order of conditional release, the court shall specify the
217 conditions of release based upon the release plan and shall
218 direct the appropriate agencies or persons to submit periodic
219 reports to the court regarding the defendant's compliance with
220 the conditions of the release and progress in treatment, with
221 copies to all parties.

222 Section 6. Section 916.185, Florida Statutes, is created to
223 read:

224 916.185 Forensic Hospital Diversion Pilot Program.-

225 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds
226 that many jail inmates who have serious mental illnesses and who
227 are committed to state forensic mental health treatment
228 facilities for restoration of competency to proceed could be
229 served more effectively and at less cost in community-based
230 alternative programs. The Legislature further finds that many
231 people who have serious mental illnesses and who have been
232 discharged from state forensic mental health treatment

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233 facilities could avoid returning to the criminal justice and
234 forensic mental health systems if they received specialized
235 treatment in the community. Therefore, it is the intent of the
236 Legislature to create the Forensic Hospital Diversion Pilot
237 Program to serve offenders who have mental illnesses or co-
238 occurring mental illnesses and substance use disorders and who
239 are involved in or at risk of entering state forensic mental
240 health treatment facilities, prisons, jails, or state civil
241 mental health treatment facilities.

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

243 (a) "Best practices" means treatment services that
244 incorporate the most effective and acceptable interventions
245 available in the care and treatment of offenders who are
246 diagnosed as having mental illnesses or co-occurring mental
247 illnesses and substance use disorders.

248 (b) "Community forensic system" means the community mental
249 health and substance use forensic treatment system, including
250 the comprehensive set of services and supports provided to
251 offenders involved in or at risk of becoming involved in the
252 criminal justice system.

253 (c) "Evidence-based practices" means interventions and
254 strategies that, based on the best available empirical research,
255 demonstrate effective and efficient outcomes in the care and
256 treatment of offenders who are diagnosed as having mental
257 illnesses or co-occurring mental illnesses and substance use
258 disorders.

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

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262 treatment facility when appropriate or a community-based
263 facility based on considerations of public safety, the needs of
264 the individual, and available resources.

265 (a) The department may implement a Forensic Hospital
266 Diversion Pilot Program modeled after the Miami-Dade Forensic
267 Alternative Center, taking into account local needs and
268 resources, in Escambia County, in conjunction with the First
269 Judicial Circuit in Escambia County; in Hillsborough County, in
270 conjunction with the Thirteenth Judicial Circuit in Hillsborough
271 County; and in Miami-Dade County, in conjunction with the
272 Eleventh Judicial Circuit in Miami-Dade County.

273 (b) If the department elects to create and implement the
274 program, the department shall include a comprehensive continuum
275 of care and services that use evidence-based practices and best
276 practices to treat offenders who have mental health and co-
277 occurring substance use disorders.

278 (c) The department and the corresponding judicial circuits
279 may implement this section if existing resources are available
280 to do so on a recurring basis. The department may request budget
281 amendments pursuant to chapter 216 to realign funds between
282 mental health services and community substance abuse and mental
283 health services in order to implement this pilot program.

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

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

287 (b) Are charged with a felony of the second degree or a
288 felony of the third degree.

289 (c) Do not have a significant history of violent criminal
290 offenses.

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

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

295 (f) Otherwise would be admitted to a state mental health
296 treatment facility.

297 (5) TRAINING.—The Legislature encourages the Florida
298 Supreme Court, in consultation and cooperation with the Florida
299 Supreme Court Task Force on Substance Abuse and Mental Health
300 Issues in the Courts, to develop educational training for judges
301 in the pilot program areas which focuses on the community
302 forensic system.

303 (6) RULEMAKING.—The department may adopt rules to
304 administer this section.

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

307 948.01 When court may place defendant on probation or into
308 community control.—

309 (8) (a) Notwithstanding s. 921.0024 and effective for
310 offenses committed on or after July 1, 2016, the sentencing
311 court may place the defendant into a postadjudicatory treatment-
312 based mental health court program if the offense is a nonviolent
313 felony, the defendant is amenable to mental health treatment,
314 including taking prescribed medications, and the defendant is
315 otherwise qualified under s. 394.47892(4). The satisfactory
316 completion of the program must be a condition of the defendant's
317 probation or community control. As used in this subsection, the
318 term "nonviolent felony" means a third degree felony violation
319 under chapter 810 or any other felony offense that is not a

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320 forcible felony as defined in s. 776.08. Defendants charged with
321 resisting an officer with violence under s. 843.01, battery on a
322 law enforcement officer under s. 784.07, or aggravated assault
323 may participate in the mental health court program if the court
324 so orders after the victim is given his or her right to provide
325 testimony or written statement to the court as provided in s.
326 921.143.

327 (b) The defendant must be fully advised of the purpose of
328 the program and the defendant must agree to enter the program.
329 The original sentencing court shall relinquish jurisdiction of
330 the defendant's case to the postadjudicatory treatment-based
331 mental health court program until the defendant is no longer
332 active in the program, the case is returned to the sentencing
333 court due to the defendant's termination from the program for
334 failure to comply with the terms thereof, or the defendant's
335 sentence is completed.

336 (c) The Department of Corrections may establish designated
337 mental health probation officers to support individuals under
338 supervision of the mental health court.

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

341 948.06 Violation of probation or community control;
342 revocation; modification; continuance; failure to pay
343 restitution or cost of supervision.—

344 (2)

345 (j)1. Notwithstanding s. 921.0024 and effective for
346 offenses committed on or after July 1, 2016, the court may order
347 the offender to successfully complete a postadjudicatory
348 treatment-based mental health court program under s. 394.47892

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349 or a military veterans and servicemembers court program under s.
350 394.47891 if:

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

353 b. The underlying offense is a nonviolent felony. As used
354 in this subsection, the term "nonviolent felony" means a third
355 degree felony violation under chapter 810 or any other felony
356 offense that is not a forcible felony as defined in s. 776.08.
357 Offenders charged with resisting an officer with violence under
358 s. 843.01, battery on a law enforcement officer under s. 784.07,
359 or aggravated assault may participate in the mental health court
360 program if the court so orders after the victim is given his or
361 her right to provide testimony or written statement to the court
362 as provided in s. 921.143.

363 c. The court determines that the offender is amenable to
364 the services of a postadjudicatory treatment-based mental health
365 court program, including taking prescribed medications, or a
366 military veterans and servicemembers court program.

367 d. The court explains the purpose of the program to the
368 offender and the offender agrees to participate.

369 e. The offender is otherwise qualified to participate in a
370 postadjudicatory treatment-based mental health court program
371 under s. 394.47892(4) or a military veterans and servicemembers
372 court program under s. 394.47891.

373 2. After the court orders the modification of community
374 control or probation, the original sentencing court shall
375 relinquish jurisdiction of the offender's case to the
376 postadjudicatory treatment-based mental health court program
377 until the offender is no longer active in the program, the case

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378 is returned to the sentencing court due to the offender's
379 termination from the program for failure to comply with the
380 terms thereof, or the offender's sentence is completed.

381 Section 9. Present subsection (8) of section 948.08,
382 Florida Statutes, is renumbered as subsection (9), paragraph (a)
383 of subsection (7) is amended, and a new subsection (8) is added
384 to that section, to read:

385 948.08 Pretrial intervention program.—

386 (7) (a) Notwithstanding any provision of this section, a
387 person who is charged with a felony, other than a felony listed
388 in s. 948.06(8)(c), and identified as a veteran, as defined in
389 s. 1.01, including veterans who were discharged or released
390 under a general discharge, or servicemember, as defined in s.
391 250.01, who suffers from a military service-related mental
392 illness, traumatic brain injury, substance abuse disorder, or
393 psychological problem, is eligible for voluntary admission into
394 a pretrial veterans' treatment intervention program approved by
395 the chief judge of the circuit, upon motion of either party or
396 the court's own motion, except:

397 1. If a defendant was previously offered admission to a
398 pretrial veterans' treatment intervention program at any time
399 before trial and the defendant rejected that offer on the
400 record, the court may deny the defendant's admission to such a
401 program.

402 2. If a defendant previously entered a court-ordered
403 veterans' treatment program, the court may deny the defendant's
404 admission into the pretrial veterans' treatment program.

405 (8) (a) Notwithstanding any provision of this section, a
406 defendant is eligible for voluntary admission into a pretrial

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407 mental health court program, established pursuant to s.
408 394.47892, and approved by the chief judge of the circuit, for a
409 period to be determined by the risk and needs assessment of the
410 defendant, upon motion of either party or the court's own motion
411 if:

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

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

414 3. The defendant is charged with:

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

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

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

424 d. Aggravated assault where the victim and state attorney
425 consent to the defendant's participation.

426 (b) At the end of the pretrial intervention period, the
427 court shall consider the recommendation of the treatment
428 provider and the recommendation of the state attorney as to
429 disposition of the pending charges. The court shall determine,
430 by written finding, whether the defendant has successfully
431 completed the pretrial intervention program. If the court finds
432 that the defendant has not successfully completed the pretrial
433 intervention program, the court may order the person to continue
434 in education and treatment, which may include a mental health
435 program offered by a licensed service provider, as defined in s.

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436 394.455, or order that the charges revert to normal channels for
437 prosecution. The court shall dismiss the charges upon a finding
438 that the defendant has successfully completed the pretrial
439 intervention program.

440 Section 10. Present subsection (3) of section 948.16,
441 Florida Statutes, is renumbered as subsection (4), paragraph (a)
442 of subsection (2) and subsection (4) of that section are
443 amended, and a new subsection (3) is added to that section, to
444 read:

445 948.16 Misdemeanor pretrial substance abuse education and
446 treatment intervention program; misdemeanor pretrial veterans'
447 treatment intervention program; misdemeanor pretrial mental
448 health court program.—

449 (2) (a) A veteran, as defined in s. 1.01, including veterans
450 who were discharged or released under a general discharge, or
451 servicemember, as defined in s. 250.01, who suffers from a
452 military service-related mental illness, traumatic brain injury,
453 substance abuse disorder, or psychological problem, and who is
454 charged with a misdemeanor is eligible for voluntary admission
455 into a misdemeanor pretrial veterans' treatment intervention
456 program approved by the chief judge of the circuit, for a period
457 based on the program's requirements and the treatment plan for
458 the offender, upon motion of either party or the court's own
459 motion. However, the court may deny the defendant admission into
460 a misdemeanor pretrial veterans' treatment intervention program
461 if the defendant has previously entered a court-ordered
462 veterans' treatment program.

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

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465 admission into a misdemeanor pretrial mental health court
466 program established pursuant to s. 394.47892, approved by the
467 chief judge of the circuit, for a period to be determined by the
468 risk and needs assessment of the defendant, upon motion of
469 either party or the court's own motion.

470 (5)~~(4)~~ Any public or private entity providing a pretrial
471 substance abuse education and treatment program or mental health
472 program under this section shall contract with the county or
473 appropriate governmental entity. The terms of the contract shall
474 include, but not be limited to, the requirements established for
475 private entities under s. 948.15(3). This requirement does not
476 apply to services provided by the Department of Veterans'
477 Affairs or the United States Department of Veterans Affairs.

478 Section 11. Section 948.21, Florida Statutes, is amended to
479 read:

480 948.21 Condition of probation or community control;
481 military servicemembers and veterans.-

482 (1) Effective for a probationer or community controllee
483 whose crime was committed on or after July 1, 2012, and who is a
484 veteran, as defined in s. 1.01, or servicemember, as defined in
485 s. 250.01, who suffers from a military service-related mental
486 illness, traumatic brain injury, substance abuse disorder, or
487 psychological problem, the court may, in addition to any other
488 conditions imposed, impose a condition requiring the probationer
489 or community controllee to participate in a treatment program
490 capable of treating the probationer or community controllee's
491 mental illness, traumatic brain injury, substance abuse
492 disorder, or psychological problem.

493 (2) Effective for a probationer or community controllee

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494 whose crime is committed on or after July 1, 2016, and who is a
495 veteran, as defined in s. 1.01, including veterans who were
496 discharged or released under a general discharge, or
497 servicemember, as defined in s. 250.01, who suffers from a
498 military service-related mental illness, traumatic brain injury,
499 substance abuse disorder, or psychological problem, the court
500 may, in addition to any other conditions imposed, impose a
501 condition requiring the probationer or community controllee to
502 participate in a treatment program capable of treating the
503 probationer or community controllee's mental illness, traumatic
504 brain injury, substance abuse disorder, or psychological
505 problem.

506 (3) The court shall give preference to treatment programs
507 for which the probationer or community controllee is eligible
508 through the United States Department of Veterans Affairs or the
509 Florida Department of Veterans' Affairs. The Department of
510 Corrections is not required to spend state funds to implement
511 this section.

512 Section 12. Present subsection (4) of section 985.345,
513 Florida Statutes, is renumbered as subsection (7) and amended,
514 and new subsections (4) through (6) are added to that section,
515 to read:

516 985.345 Delinquency pretrial intervention program.—

517 (4) Notwithstanding any other provision of law, a child who
518 has been identified as having a mental illness and who has not
519 been previously adjudicated for a felony is eligible for
520 voluntary admission into a delinquency pretrial mental health
521 court program, established pursuant to s. 394.47892, approved by
522 the chief judge of the circuit, for a period based on the

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523 program requirements and the treatment services that are
524 suitable for the child, upon motion of either party or the
525 court's own motion if the child is charged with:

526 (a) A misdemeanor;

527 (b) A nonviolent felony; for purposes of this paragraph,
528 the term "nonviolent felony" means a third degree felony
529 violation of chapter 810 or any other felony offense that is not
530 a forcible felony as defined in s. 776.08;

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

534 (d) Battery on a law enforcement officer under s. 784.07,
535 if the law enforcement officer and state attorney consent to the
536 child's participation; or

537 (e) Aggravated assault, if the victim and state attorney
538 consent to the child's participation.

539 (5) At the end of the delinquency pretrial intervention
540 period, the court shall consider the recommendation of the state
541 attorney and the program administrator as to disposition of the
542 pending charges. The court shall determine, by written finding,
543 whether the child has successfully completed the delinquency
544 pretrial intervention program. If the court finds that the child
545 has not successfully completed the delinquency pretrial
546 intervention program, the court may order the child to continue
547 in an education, treatment, or monitoring program if resources
548 and funding are available or order that the charges revert to
549 normal channels for prosecution. The court may dismiss the
550 charges upon a finding that the child has successfully completed
551 the delinquency pretrial intervention program.

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

556 (7)~~(4)~~ Any entity, whether public or private, providing
557 pretrial substance abuse education, treatment intervention, and
558 a urine monitoring program or a mental health program under this
559 section must contract with the county or appropriate
560 governmental entity, and the terms of the contract must include,
561 but need not be limited to, the requirements established for
562 private entities under s. 948.15(3). It is the intent of the
563 Legislature that public or private entities providing substance
564 abuse education and treatment intervention programs involve the
565 active participation of parents, schools, churches, businesses,
566 law enforcement agencies, and the department or its contract
567 providers.

568 Section 13. For the purpose of incorporating the amendment
569 made by this act to section 916.17, Florida Statutes, in a
570 reference thereto, paragraph (a) of subsection (1) of section
571 394.658, Florida Statutes, is reenacted to read:

572 394.658 Criminal Justice, Mental Health, and Substance
573 Abuse Reinvestment Grant Program requirements.—

574 (1) The Criminal Justice, Mental Health, and Substance
575 Abuse Statewide Grant Review Committee, in collaboration with
576 the Department of Children and Families, the Department of
577 Corrections, the Department of Juvenile Justice, the Department
578 of Elderly Affairs, and the Office of the State Courts
579 Administrator, shall establish criteria to be used to review
580 submitted applications and to select the county that will be

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581 awarded a 1-year planning grant or a 3-year implementation or
582 expansion grant. A planning, implementation, or expansion grant
583 may not be awarded unless the application of the county meets
584 the established criteria.

585 (a) The application criteria for a 1-year planning grant
586 must include a requirement that the applicant county or counties
587 have a strategic plan to initiate systemic change to identify
588 and treat individuals who have a mental illness, substance abuse
589 disorder, or co-occurring mental health and substance abuse
590 disorders who are in, or at risk of entering, the criminal or
591 juvenile justice systems. The 1-year planning grant must be used
592 to develop effective collaboration efforts among participants in
593 affected governmental agencies, including the criminal,
594 juvenile, and civil justice systems, mental health and substance
595 abuse treatment service providers, transportation programs, and
596 housing assistance programs. The collaboration efforts shall be
597 the basis for developing a problem-solving model and strategic
598 plan for treating adults and juveniles who are in, or at risk of
599 entering, the criminal or juvenile justice system and doing so
600 at the earliest point of contact, taking into consideration
601 public safety. The planning grant shall include strategies to
602 divert individuals from judicial commitment to community-based
603 service programs offered by the Department of Children and
604 Families in accordance with ss. 916.13 and 916.17.

605 Section 14. For the purpose of incorporating the amendment
606 made by this act to section 916.17, Florida Statutes, in a
607 reference thereto, subsection (2) of section 916.16, Florida
608 Statutes, is reenacted to read:

609 916.16 Jurisdiction of committing court.—

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610 (2) The committing court shall retain jurisdiction in the
611 case of any defendant placed on conditional release pursuant to
612 s. 916.17. Such defendant may not be released from the
613 conditions of release except by order of the committing court.

614 Section 15. For the purpose of incorporating the amendments
615 made by this act to sections 948.01 and 948.06, Florida
616 Statutes, in a reference thereto, paragraph (a) of subsection
617 (3) and subsection (5) of section 397.334, Florida Statutes, are
618 reenacted to read:

619 397.334 Treatment-based drug court programs.—

620 (3) (a) Entry into any postadjudicatory treatment-based drug
621 court program as a condition of probation or community control
622 pursuant to s. 948.01, s. 948.06, or s. 948.20 must be based
623 upon the sentencing court's assessment of the defendant's
624 criminal history, substance abuse screening outcome, amenability
625 to the services of the program, total sentence points, the
626 recommendation of the state attorney and the victim, if any, and
627 the defendant's agreement to enter the program.

628 (5) Treatment-based drug court programs may include
629 pretrial intervention programs as provided in ss. 948.08,
630 948.16, and 985.345, treatment-based drug court programs
631 authorized in chapter 39, postadjudicatory programs as provided
632 in ss. 948.01, 948.06, and 948.20, and review of the status of
633 compliance or noncompliance of sentenced offenders through a
634 treatment-based drug court program. While enrolled in a
635 treatment-based drug court program, the participant is subject
636 to a coordinated strategy developed by a drug court team under
637 subsection (4). The coordinated strategy may include a protocol
638 of sanctions that may be imposed upon the participant for

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639 noncompliance with program rules. The protocol of sanctions may
640 include, but is not limited to, placement in a substance abuse
641 treatment program offered by a licensed service provider as
642 defined in s. 397.311 or in a jail-based treatment program or
643 serving a period of secure detention under chapter 985 if a
644 child or a period of incarceration within the time limits
645 established for contempt of court if an adult. The coordinated
646 strategy must be provided in writing to the participant before
647 the participant agrees to enter into a treatment-based drug
648 court program.

649 Section 16. For the purpose of incorporating the amendment
650 made by this act to section 948.06, Florida Statutes, in a
651 reference thereto, paragraph (b) of subsection (2) of section
652 948.012, Florida Statutes, is reenacted to read:

653 948.012 Split sentence of probation or community control
654 and imprisonment.—

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

659 (b) If the offender does not meet the terms and conditions
660 of probation or community control, the court may revoke, modify,
661 or continue the probation or community control as provided in s.
662 948.06. If the probation or community control is revoked, the
663 court may impose any sentence that it could have imposed at the
664 time the offender was placed on probation or community control.
665 The court may not provide credit for time served for any portion
666 of a probation or community control term toward a subsequent
667 term of probation or community control. However, the court may

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668 not impose a subsequent term of probation or community control
669 which, when combined with any amount of time served on preceding
670 terms of probation or community control for offenses pending
671 before the court for sentencing, would exceed the maximum
672 penalty allowable as provided in s. 775.082. Such term of
673 incarceration shall be served under applicable law or county
674 ordinance governing service of sentences in state or county
675 jurisdiction. This paragraph does not prohibit any other
676 sanction provided by law.

677 Section 17. This act shall take effect July 1, 2016.