

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. 910.035, F.S.; revising the  
16          definition of the term "problem-solving court";  
17          creating s. 916.185, F.S.; creating the Forensic  
18          Hospital Diversion Pilot Program; providing  
19          legislative findings and intent; providing  
20          definitions; requiring the Department of Children and  
21          Families to implement a Forensic Hospital Diversion  
22          Pilot Program in specified judicial circuits;  
23          authorizing the department to request specified budget  
24          amendments; providing for eligibility for the program;  
25          providing legislative intent concerning training;  
26          authorizing rulemaking; amending s. 948.001, F.S.;

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

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

71  
 72 Be It Enacted by the Legislature of the State of Florida:

73  
 74 Section 1. Subsection (6) of section 39.001, Florida  
 75 Statutes, is amended to read:

76 39.001 Purposes and intent; personnel standards and  
 77 screening.—

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

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

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

86 1. To ensure the safety of children.

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

93 3. To expedite permanency for children and reunify  
94 healthy, intact families, when appropriate.

95 4. To support families in recovery.

96 (c) The Legislature finds that children in the care of the  
97 state's dependency system need appropriate health care services,  
98 that the impact of mental illnesses and substance abuse  
99 disorders on health indicates the need for health care services  
100 to include treatment for mental health and substance abuse  
101 disorders for ~~services to~~ children and parents, where  
102 appropriate, and that it is in the state's best interest that  
103 such children be provided the services they need to enable them  
104 to become and remain independent of state care. In order to

105 provide these services, the state's dependency system must have  
106 the ability to identify and provide appropriate intervention and  
107 treatment for children with personal or family-related mental  
108 illness and substance abuse problems.

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

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

128 (f) Participation in a mental health court program or a  
129 ~~the~~ treatment-based drug court program does not divest any  
130 public or private agency of its responsibility for a child or

131 adult, but is intended to enable these agencies to better meet  
132 their needs through shared responsibility and resources.

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

135 39.507 Adjudicatory hearings; orders of adjudication.—

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

157 made only upon good cause shown. This subsection does not  
 158 authorize placement of a child with a person seeking custody,  
 159 other than the parent or legal custodian, who requires mental  
 160 health or substance abuse disorder treatment.

161 Section 3. Paragraph (b) of subsection (1) of section  
 162 39.521, Florida Statutes, is amended to read:

163 39.521 Disposition hearings; powers of disposition.—

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

172 (b) When any child is adjudicated by a court to be  
 173 dependent, the court having jurisdiction of the child has the  
 174 power by order to:

175 1. Require the parent and, when appropriate, the legal  
 176 custodian and the child to participate in treatment and services  
 177 identified as necessary. The court may require the person who  
 178 has custody or who is requesting custody of the child to submit  
 179 to a mental health or substance abuse disorder assessment or  
 180 evaluation. The assessment or evaluation must be administered by  
 181 a qualified professional, as defined in s. 397.311. The court  
 182 may also require such person to participate in and comply with

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

201 2. Require, if the court deems necessary, the parties to  
202 participate in dependency mediation.

203 3. Require placement of the child either under the  
204 protective supervision of an authorized agent of the department  
205 in the home of one or both of the child's parents or in the home  
206 of a relative of the child or another adult approved by the  
207 court, or in the custody of the department. Protective  
208 supervision continues until the court terminates it or until the



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

224 Section 4. Subsections (1) through (7) of section  
 225 394.4655, F.S., are renumbered as subsections (2) through (8),  
 226 respectively, paragraph (b) of present subsection (3), paragraph  
 227 (b) of present subsection (6), and paragraphs (a) and (c) of  
 228 present subsection (7) are amended, and a new subsection (1) is  
 229 added to that section, to read:

230 394.4655 Involuntary outpatient placement.—

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

232 (a) "Court" means a circuit court or a criminal county  
 233 court.

234 (b) "Criminal county court" means a county court

235 exercising its original jurisdiction in a misdemeanor case under  
236 s. 34.01.

237 (4)~~(3)~~ PETITION FOR INVOLUNTARY OUTPATIENT PLACEMENT.—

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

249 (7)~~(6)~~ HEARING ON INVOLUNTARY OUTPATIENT PLACEMENT.—

250 (b)1. If the court concludes that the patient meets the  
251 criteria for involuntary outpatient placement pursuant to  
252 subsection (2) ~~(1)~~, the court shall issue an order for  
253 involuntary outpatient placement. The court order shall be for a  
254 period of up to 6 months. The order must specify the nature and  
255 extent of the patient's mental illness. The order of the court  
256 and the treatment plan shall be made part of the patient's  
257 clinical record. The service provider shall discharge a patient  
258 from involuntary outpatient placement when the order expires or  
259 any time the patient no longer meets the criteria for  
260 involuntary placement. Upon discharge, the service provider

261 shall send a certificate of discharge to the court.

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

279         3. If, in the clinical judgment of a physician, the  
280 patient has failed or has refused to comply with the treatment  
281 ordered by the court, and, in the clinical judgment of the  
282 physician, efforts were made to solicit compliance and the  
283 patient may meet the criteria for involuntary examination, a  
284 person may be brought to a receiving facility pursuant to s.  
285 394.463. If, after examination, the patient does not meet the  
286 criteria for involuntary inpatient placement pursuant to s.

287 394.467, the patient must be discharged from the receiving  
288 facility. The involuntary outpatient placement order shall  
289 remain in effect unless the service provider determines that the  
290 patient no longer meets the criteria for involuntary outpatient  
291 placement or until the order expires. The service provider must  
292 determine whether modifications should be made to the existing  
293 treatment plan and must attempt to continue to engage the  
294 patient in treatment. For any material modification of the  
295 treatment plan to which the patient or the patient's guardian  
296 advocate, if appointed, does agree, the service provider shall  
297 send notice of the modification to the court. Any material  
298 modifications of the treatment plan which are contested by the  
299 patient or the patient's guardian advocate, if appointed, must  
300 be approved or disapproved by the court consistent with  
301 subsection (3) ~~(2)~~.

302 (8) ~~(7)~~ PROCEDURE FOR CONTINUED INVOLUNTARY OUTPATIENT  
303 PLACEMENT.—

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

310 2. The existing involuntary outpatient placement order  
311 remains in effect until disposition on the petition for  
312 continued involuntary outpatient placement.

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

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

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

335           Section 5. Paragraph (d) of subsection (2) of section  
 336 394.4599, Florida Statutes, is amended to read:

337           394.4599 Notice.—

338           (2) INVOLUNTARY ADMISSION.—

339 (d) The written notice of the filing of the petition for  
 340 involuntary placement of an individual being held must contain  
 341 the following:

- 342 1. Notice that the petition for:  
 343 a. Involuntary inpatient treatment pursuant to s. 394.467  
 344 has been filed with the circuit court in the county in which the  
 345 individual is hospitalized and the address of such court; or  
 346 b. Involuntary outpatient treatment pursuant to s.  
 347 394.4655 has been filed with the criminal county court, as  
 348 defined in s. 394.4655(1), or the circuit court, as applicable,  
 349 in the county in which the individual is hospitalized and the  
 350 address of such court.

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

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

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

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

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

367 394.463 Involuntary examination.—

368 (2) INVOLUNTARY EXAMINATION.—

369 (g) A person for whom an involuntary examination has been  
370 initiated who is being evaluated or treated at a hospital for an  
371 emergency medical condition specified in s. 395.002 must be  
372 examined by a receiving facility within 72 hours. The 72-hour  
373 period begins when the patient arrives at the hospital and  
374 ceases when the attending physician documents that the patient  
375 has an emergency medical condition. If the patient is examined  
376 at a hospital providing emergency medical services by a  
377 professional qualified to perform an involuntary examination and  
378 is found as a result of that examination not to meet the  
379 criteria for involuntary outpatient placement pursuant to s.  
380 394.4655(2) ~~394.4655(1)~~ or involuntary inpatient placement  
381 pursuant to s. 394.467(1), the patient may be offered voluntary  
382 placement, if appropriate, or released directly from the  
383 hospital providing emergency medical services. The finding by  
384 the professional that the patient has been examined and does not  
385 meet the criteria for involuntary inpatient placement or  
386 involuntary outpatient placement must be entered into the  
387 patient's clinical record. Nothing in this paragraph is intended  
388 to prevent a hospital providing emergency medical services from  
389 appropriately transferring a patient to another hospital prior  
390 to stabilization, provided the requirements of s. 395.1041(3)(c)

391 have been met.

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

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

399 2. The patient shall be released, subject to the  
400 provisions of subparagraph 1., for voluntary outpatient  
401 treatment;

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

406 4. A petition for involuntary placement shall be filed in  
407 the circuit court ~~if when outpatient or~~ inpatient treatment is  
408 deemed necessary or with the criminal county court, as defined  
409 in s. 394.4655(1), as applicable. ~~If When~~ inpatient treatment is  
410 deemed necessary, the least restrictive treatment consistent  
411 with the optimum improvement of the patient's condition shall be  
412 made available. When a petition is to be filed for involuntary  
413 outpatient placement, it shall be filed by one of the  
414 petitioners specified in s. 394.4655(4)(a) ~~394.4655(3)(a)~~. A  
415 petition for involuntary inpatient placement shall be filed by  
416 the facility administrator.



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

419 394.455 Definitions.—As used in this part, unless the  
 420 context clearly requires otherwise, the term:

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

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

428 394.4615 Clinical records; confidentiality.—

429 (3) Information from the clinical record may be released  
 430 in the following circumstances:

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

436 (b) When the administrator of the facility or secretary of  
 437 the department deems release to a qualified researcher as  
 438 defined in administrative rule, an aftercare treatment provider,  
 439 or an employee or agent of the department is necessary for  
 440 treatment of the patient, maintenance of adequate records,  
 441 compilation of treatment data, aftercare planning, or evaluation  
 442 of programs.

443  
 444 For the purpose of determining whether a person meets the  
 445 criteria for involuntary outpatient placement or for preparing  
 446 the proposed treatment plan pursuant to s. 394.4655, the  
 447 clinical record may be released to the state attorney, the  
 448 public defender or the patient's private legal counsel, the  
 449 court, and to the appropriate mental health professionals,  
 450 including the service provider identified in s. 394.4655(7)(b)2.  
 451 ~~394.4655(6)(b)2.~~, in accordance with state and federal law.

452 Section 9. Section 394.47891, Florida Statutes, is amended  
 453 to read:

454 394.47891 Military veterans and servicemembers court  
 455 programs.—The chief judge of each judicial circuit may establish  
 456 a Military Veterans and Servicemembers Court Program under which  
 457 veterans, as defined in s. 1.01, including veterans who were  
 458 discharged or released under a general discharge, and  
 459 servicemembers, as defined in s. 250.01, who are charged or  
 460 convicted of a criminal offense and who suffer from a military-  
 461 related mental illness, traumatic brain injury, substance abuse  
 462 disorder, or psychological problem can be sentenced in  
 463 accordance with chapter 921 in a manner that appropriately  
 464 addresses the severity of the mental illness, traumatic brain  
 465 injury, substance abuse disorder, or psychological problem  
 466 through services tailored to the individual needs of the  
 467 participant. Entry into any Military Veterans and Servicemembers  
 468 Court Program must be based upon the sentencing court's

469 assessment of the defendant's criminal history, military  
470 service, substance abuse treatment needs, mental health  
471 treatment needs, amenability to the services of the program, the  
472 recommendation of the state attorney and the victim, if any, and  
473 the defendant's agreement to enter the program.

474 Section 10. Section 394.47892, Florida Statutes, is  
475 created to read:

476 394.47892 Mental health court programs.—

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

494 (2) Mental health court programs may include pretrial

495 intervention programs as provided in ss. 948.08, 948.16, and  
496 985.345, postadjudicatory mental health court programs as  
497 provided in ss. 948.01 and 948.06, and review of the status of  
498 compliance or noncompliance of sentenced defendants through a  
499 mental health court program.

500 (3) Entry into a pretrial mental health court program is  
501 voluntary.

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

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

519 (5) (a) Contingent upon an annual appropriation by the  
520 Legislature, the state courts system shall establish, at a

521 minimum, one coordinator position in each mental health court  
522 program to coordinate the responsibilities of the participating  
523 agencies and service providers. Each coordinator shall provide  
524 direct support to the mental health court program by providing  
525 coordination between the multidisciplinary team and the  
526 judiciary, providing case management, monitoring compliance of  
527 the participants in the mental health court program with court  
528 requirements, and managing the collection of data for program  
529 evaluation and accountability.

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

545 (6) If a county chooses to fund a mental health court  
546 program, the county must secure funding from sources other than

547 the state for those costs not otherwise assumed by the state  
548 pursuant to s. 29.004. However, this subsection does not  
549 preclude counties from using funds for treatment and other  
550 services provided through state executive branch agencies.  
551 Counties may provide, by interlocal agreement, for the  
552 collective funding of these programs.

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

563 Section 11. Paragraph (a) of subsection (5) of section  
564 910.035, Florida Statutes, is amended to read:

565 910.035 Transfer from county for plea, sentence, or  
566 participation in a problem-solving court.-

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

569 (a) For purposes of this subsection, the term "problem-  
570 solving court" means a drug court pursuant to s. 948.01, s.  
571 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'  
572 and servicemembers' court pursuant to s. 394.47891, s. 948.08,

573 s. 948.16, or s. 948.21; ~~or~~ a mental health court program  
574 pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s.  
575 948.16; or a delinquency pretrial intervention court program  
576 pursuant to s. 985.345.

577 Section 12. Section 916.185, Florida Statutes, is created  
578 to read:

579 916.185 Forensic Hospital Diversion Pilot Program.—

580 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
581 that many jail inmates who have serious mental illnesses and who  
582 are committed to state forensic mental health treatment  
583 facilities for restoration of competency to proceed could be  
584 served more effectively and at less cost in community-based  
585 alternative programs. The Legislature further finds that many  
586 people who have serious mental illnesses and who have been  
587 discharged from state forensic mental health treatment  
588 facilities could avoid returning to the criminal justice and  
589 forensic mental health systems if they received specialized  
590 treatment in the community. Therefore, it is the intent of the  
591 Legislature to create the Forensic Hospital Diversion Pilot  
592 Program to serve offenders who have mental illnesses or co-  
593 occurring mental illnesses and substance use disorders and who  
594 are involved in or at risk of entering state forensic mental  
595 health treatment facilities, prisons, jails, or state civil  
596 mental health treatment facilities.

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

598 (a) "Best practices" means treatment services that

599 incorporate the most effective and acceptable interventions  
 600 available in the care and treatment of offenders who are  
 601 diagnosed as having mental illnesses or co-occurring mental  
 602 illnesses and substance use disorders.

603 (b) "Community forensic system" means the community mental  
 604 health and substance use forensic treatment system, including  
 605 the comprehensive set of services and supports provided to  
 606 offenders involved in or at risk of becoming involved in the  
 607 criminal justice system.

608 (c) "Evidence-based practices" means interventions and  
 609 strategies that, based on the best available empirical research,  
 610 demonstrate effective and efficient outcomes in the care and  
 611 treatment of offenders who are diagnosed as having mental  
 612 illnesses or co-occurring mental illnesses and substance use  
 613 disorders.

614 (3) CREATION.—There is created a Forensic Hospital  
 615 Diversion Pilot Program to provide competency-restoration and  
 616 community-reintegration services in either a locked residential  
 617 treatment facility when appropriate or a community-based  
 618 facility based on considerations of public safety, the needs of  
 619 the individual, and available resources.

620 (a) The department shall implement a Forensic Hospital  
 621 Diversion Pilot Program modeled after the Miami-Dade Forensic  
 622 Alternative Center, taking into account local needs and  
 623 resources in Duval County, in conjunction with the Fourth  
 624 Judicial Circuit in Duval County; in Broward County, in



625 conjunction with the Seventeenth Judicial Circuit in Broward  
 626 County; and in Miami-Dade County, in conjunction with the  
 627 Eleventh Judicial Circuit in Miami-Dade County.

628 (b) The department shall include a comprehensive continuum  
 629 of care and services that use evidence-based practices and best  
 630 practices to treat offenders who have mental health and co-  
 631 occurring substance use disorders.

632 (c) The department and the corresponding judicial circuits  
 633 shall implement this section. The department may request budget  
 634 amendments pursuant to chapter 216 to realign funds between  
 635 mental health services and community substance abuse and mental  
 636 health services in order to implement this pilot program.

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

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

640 (b) Are charged with a felony of the second degree or a  
 641 felony of the third degree.

642 (c) Do not have a significant history of violent criminal  
 643 offenses.

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

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

648 (f) Otherwise would be admitted to a state mental health  
 649 treatment facility.

650 (5) TRAINING.—The Legislature encourages the Florida

651 Supreme Court, in consultation and cooperation with the Florida  
652 Supreme Court Task Force on Substance Abuse and Mental Health  
653 Issues in the Courts, to develop educational training for judges  
654 in the pilot program areas which focuses on the community  
655 forensic system.

656 (6) RULEMAKING.—The department may adopt rules to  
657 administer this section.

658 Section 13. Subsections (6) through (13) of section  
659 948.001, Florida Statutes, are renumbered as subsections (7)  
660 through (14), respectively, and a new subsection (6) is added to  
661 that section, to read:

662 948.001 Definitions.—As used in this chapter, the term:

663 (6) "Mental health probation" means a form of specialized  
664 supervision that emphasizes mental health treatment and working  
665 with treatment providers to focus on underlying mental health  
666 disorders and compliance with a prescribed psychotropic  
667 medication regimen in accordance with individualized treatment  
668 plans. Mental health probation shall be supervised by officers  
669 with restricted caseloads who are sensitive to the unique needs  
670 of individuals with mental health disorders, and who will work  
671 in tandem with community mental health case managers assigned to  
672 the defendant. Caseloads of such officers should be restricted  
673 to a maximum of 50 cases per officer in order to ensure an  
674 adequate level of staffing and supervision.

675 Section 14. Subsection (8) is added to section 948.01,  
676 Florida Statutes, to read:

677 948.01 When court may place defendant on probation or into  
678 community control.-

679 (8) (a) Notwithstanding s. 921.0024 and effective for  
680 offenses committed on or after July 1, 2016, the sentencing  
681 court may place the defendant into a postadjudicatory mental  
682 health court program if the offense is a nonviolent felony, the  
683 defendant is amenable to mental health treatment, including  
684 taking prescribed medications, and the defendant is otherwise  
685 qualified under s. 394.47892(4). The satisfactory completion of  
686 the program must be a condition of the defendant's probation or  
687 community control. As used in this subsection, the term  
688 "nonviolent felony" means a third degree felony violation under  
689 chapter 810 or any other felony offense that is not a forcible  
690 felony as defined in s. 776.08. Defendants charged with  
691 resisting an officer with violence under s. 843.01, battery on a  
692 law enforcement officer under s. 784.07, or aggravated assault  
693 may participate in the mental health court program if the court  
694 so orders after the victim is given his or her right to provide  
695 testimony or written statement to the court as provided in s.  
696 921.143.

697 (b) The defendant must be fully advised of the purpose of  
698 the mental health court program and the defendant must agree to  
699 enter the program. The original sentencing court shall  
700 relinquish jurisdiction of the defendant's case to the  
701 postadjudicatory mental health court program until the defendant  
702 is no longer active in the program, the case is returned to the

703 sentencing court due to the defendant's termination from the  
704 program for failure to comply with the terms thereof, or the  
705 defendant's sentence is completed.

706 (c) The Department of Corrections may establish designated  
707 and trained mental health probation officers to support  
708 individuals under supervision of the mental health court  
709 program.

710 Section 15. Paragraph (j) is added to subsection (2) of  
711 section 948.06, Florida Statutes, to read:

712 948.06 Violation of probation or community control;  
713 revocation; modification; continuance; failure to pay  
714 restitution or cost of supervision.—

715 (2)

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

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

723 b. The underlying offense is a nonviolent felony. As used  
724 in this subsection, the term "nonviolent felony" means a third  
725 degree felony violation under chapter 810 or any other felony  
726 offense that is not a forcible felony as defined in s. 776.08.  
727 Offenders charged with resisting an officer with violence under  
728 s. 843.01, battery on a law enforcement officer under s. 784.07,

729 or aggravated assault may participate in the mental health court  
730 program if the court so orders after the victim is given his or  
731 her right to provide testimony or written statement to the court  
732 as provided in s. 921.143;

733 c. The court determines that the offender is amenable to  
734 the services of a postadjudicatory mental health court program,  
735 including taking prescribed medications, or a military veterans  
736 and servicemembers court program;

737 d. The court explains the purpose of the program to the  
738 offender and the offender agrees to participate; and

739 e. The offender is otherwise qualified to participate in a  
740 postadjudicatory mental health court program under s.  
741 394.47892(4) or a military veterans and servicemembers court  
742 program under s. 394.47891.

743 2. After the court orders the modification of community  
744 control or probation, the original sentencing court shall  
745 relinquish jurisdiction of the offender's case to the  
746 postadjudicatory mental health court program until the offender  
747 is no longer active in the program, the case is returned to the  
748 sentencing court due to the offender's termination from the  
749 program for failure to comply with the terms thereof, or the  
750 offender's sentence is completed.

751 Section 16. Subsection (8) of section 948.08, Florida  
752 Statutes, is renumbered as subsection (9), paragraph (a) of  
753 subsection (7) is amended, and a new subsection (8) is added to  
754 that section, to read:

755 948.08 Pretrial intervention program.—

756 (7) (a) Notwithstanding any provision of this section, a  
757 person who is charged with a felony, other than a felony listed  
758 in s. 948.06(8) (c), and identified as a veteran, as defined in  
759 s. 1.01, including a veteran who is discharged or released under  
760 a general discharge, or servicemember, as defined in s. 250.01,  
761 who suffers from a military service-related mental illness,  
762 traumatic brain injury, substance abuse disorder, or  
763 psychological problem, is eligible for voluntary admission into  
764 a pretrial veterans' treatment intervention program approved by  
765 the chief judge of the circuit, upon motion of either party or  
766 the court's own motion, except:

767 1. If a defendant was previously offered admission to a  
768 pretrial veterans' treatment intervention program at any time  
769 before trial and the defendant rejected that offer on the  
770 record, the court may deny the defendant's admission to such a  
771 program.

772 2. If a defendant previously entered a court-ordered  
773 veterans' treatment program, the court may deny the defendant's  
774 admission into the pretrial veterans' treatment program.

775 (8) (a) Notwithstanding any provision of this section, a  
776 defendant is eligible for voluntary admission into a pretrial  
777 mental health court program established pursuant to s. 394.47892  
778 and approved by the chief judge of the circuit for a period to  
779 be determined by the court, based on the clinical needs of the  
780 defendant, upon motion of either party or the court's own motion

781 if:

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

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

784 3. The defendant is charged with:

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

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

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

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

796 (b) At the end of the pretrial intervention period, the  
797 court shall consider the recommendation of the program  
798 administrator and the recommendation of the state attorney as to  
799 disposition of the pending charges. The court shall determine,  
800 by written finding, whether the defendant has successfully  
801 completed the pretrial intervention program. If the court finds  
802 that the defendant has not successfully completed the pretrial  
803 intervention program, the court may order the person to continue  
804 in education and treatment, which may include a mental health  
805 program offered by a licensed service provider, as defined in s.  
806 394.455, or order that the charges revert to normal channels for

807 prosecution. The court shall dismiss the charges upon a finding  
808 that the defendant has successfully completed the pretrial  
809 intervention program.

810 Section 17. Subsections (3) and (4) of section 948.16,  
811 Florida Statutes, are renumbered as subsections (4) and (5),  
812 respectively, paragraph (a) of subsection (2) and present  
813 subsection (4) of that section are amended, and a new subsection  
814 (3) is added to that section, to read:

815 948.16 Misdemeanor pretrial substance abuse education and  
816 treatment intervention program; misdemeanor pretrial veterans'  
817 treatment intervention program; misdemeanor pretrial mental  
818 health court program.-

819 (2) (a) A veteran, as defined in s. 1.01, including a  
820 veteran who is discharged or released under a general discharge,  
821 or servicemember, as defined in s. 250.01, who suffers from a  
822 military service-related mental illness, traumatic brain injury,  
823 substance abuse disorder, or psychological problem, and who is  
824 charged with a misdemeanor is eligible for voluntary admission  
825 into a misdemeanor pretrial veterans' treatment intervention  
826 program approved by the chief judge of the circuit, for a period  
827 based on the program's requirements and the treatment plan for  
828 the offender, upon motion of either party or the court's own  
829 motion. However, the court may deny the defendant admission into  
830 a misdemeanor pretrial veterans' treatment intervention program  
831 if the defendant has previously entered a court-ordered  
832 veterans' treatment program.



833       (3) A defendant who is charged with a misdemeanor and  
834 identified as having a mental illness is eligible for voluntary  
835 admission into a misdemeanor pretrial mental health court  
836 program established pursuant to s. 394.47892, approved by the  
837 chief judge of the circuit, for a period to be determined by the  
838 court, based on the clinical needs of the defendant, upon motion  
839 of either party or the court's own motion.

840       (5)~~(4)~~ Any public or private entity providing a pretrial  
841 substance abuse education and treatment program or mental health  
842 court program under this section shall contract with the county  
843 or appropriate governmental entity. The terms of the contract  
844 shall include, but not be limited to, the requirements  
845 established for private entities under s. 948.15(3). This  
846 requirement does not apply to services provided by the  
847 Department of Veterans' Affairs or the United States Department  
848 of Veterans Affairs.

849       Section 18. Section 948.21, Florida Statutes, is amended  
850 to read:

851       948.21 Condition of probation or community control;  
852 military servicemembers and veterans.—

853       (1) Effective for a probationer or community controllee  
854 whose crime is ~~was~~ committed on or after July 1, 2012, and who  
855 is a veteran, as defined in s. 1.01, or servicemember, as  
856 defined in s. 250.01, who suffers from a military service-  
857 related mental illness, traumatic brain injury, substance abuse  
858 disorder, or psychological problem, the court may, in addition

859 to any other conditions imposed, impose a condition requiring  
860 the probationer or community controllee to participate in a  
861 treatment program capable of treating the probationer's  
862 ~~probationer~~ or community controllee's mental illness, traumatic  
863 brain injury, substance abuse disorder, or psychological  
864 problem.

865 (2) Effective for a probationer or community controllee  
866 whose crime is committed on or after July 1, 2016, and who is a  
867 veteran, as defined in s. 1.01, including a veteran who is  
868 discharged or released under a general discharge, or  
869 servicemember, as defined in s. 250.01, who suffers from a  
870 military service-related mental illness, traumatic brain injury,  
871 substance abuse disorder, or psychological problem, the court  
872 may, in addition to any other conditions imposed, impose a  
873 condition requiring the probationer or community controllee to  
874 participate in a treatment program capable of treating the  
875 probationer or community controllee's mental illness, traumatic  
876 brain injury, substance abuse disorder, or psychological  
877 problem.

878 (3) The court shall give preference to treatment programs  
879 for which the probationer or community controllee is eligible  
880 through the United States Department of Veterans Affairs or the  
881 Florida Department of Veterans' Affairs. The Department of  
882 Corrections is not required to spend state funds to implement  
883 this section.

884 Section 19. Subsection (3) of section 985.345, Florida

885 Statutes, is amended, subsection (4) is renumbered as subsection  
 886 (7) and amended, and new subsections (4) through (6) are added  
 887 to that section, to read:

888 985.345 Delinquency pretrial intervention program.—

889 (3) At the end of the delinquency pretrial intervention  
 890 period, the court shall consider the recommendation of the state  
 891 attorney and the program administrator as to disposition of the  
 892 pending charges. The court shall determine, by written finding,  
 893 whether the child has successfully completed the delinquency  
 894 pretrial intervention program. Notwithstanding the coordinated  
 895 strategy developed by a drug court team pursuant to s.  
 896 397.334(4), if the court finds that the child has not  
 897 successfully completed the delinquency pretrial intervention  
 898 program, the court may order the child to continue in an  
 899 education, treatment, or drug testing ~~urine monitoring~~ program  
 900 if resources and funding are available or order that the charges  
 901 revert to normal channels for prosecution. The court may dismiss  
 902 the charges upon a finding that the child has successfully  
 903 completed the delinquency pretrial intervention program.

904 (4) Notwithstanding any other provision of law, a child  
 905 who has been identified as having a mental illness and who has  
 906 not been previously adjudicated for a felony is eligible for  
 907 voluntary admission into a delinquency pretrial mental health  
 908 court program, established pursuant to s. 394.47892, approved by  
 909 the chief judge of the circuit, for a period to be determined by  
 910 the court, based on the clinical needs of the child, upon motion

911 of either party or the court's own motion if the child is  
 912 charged with:

913 (a) A misdemeanor;  
 914 (b) A nonviolent felony; as defined in s. 948.01(8);  
 915 (c) Resisting an officer with violence under s. 843.01, if  
 916 the law enforcement officer and state attorney consent to the  
 917 child's participation;

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

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

923 (5) At the end of the delinquency pretrial intervention  
 924 period, the court shall consider the recommendation of the state  
 925 attorney and the program administrator as to disposition of the  
 926 pending charges. The court shall determine, by written finding,  
 927 whether the child has successfully completed the delinquency  
 928 pretrial intervention program. If the court finds that the child  
 929 has not successfully completed the delinquency pretrial  
 930 intervention program, the court may order the child to continue  
 931 in an education, treatment, or monitoring program if resources  
 932 and funding are available or order that the charges revert to  
 933 normal channels for prosecution. The court may dismiss the  
 934 charges upon a finding that the child has successfully completed  
 935 the delinquency pretrial intervention program.

936 (6) A child whose charges are dismissed after successful

937 completion of the mental health court program, if otherwise  
938 eligible, may have his or her arrest record and plea of nolo  
939 contendere to the dismissed charges expunged under s. 943.0585.

940 ~~(7)(4)~~ Any entity, whether public or private, providing  
941 pretrial substance abuse education, treatment intervention, drug  
942 testing, or a mental health court ~~and a urine monitoring~~ program  
943 under this section must contract with the county or appropriate  
944 governmental entity, and the terms of the contract must include,  
945 but need not be limited to, the requirements established for  
946 private entities under s. 948.15(3). It is the intent of the  
947 Legislature that public or private entities providing substance  
948 abuse education and treatment intervention programs involve the  
949 active participation of parents, schools, churches, businesses,  
950 law enforcement agencies, and the department or its contract  
951 providers.

952 Section 20. For the purpose of incorporating the  
953 amendments made by this act to sections 948.01 and 948.06,  
954 Florida Statutes, in references thereto, paragraph (a) of  
955 subsection (3) and subsection (5) of section 397.334, Florida  
956 Statutes, are reenacted to read:

957 397.334 Treatment-based drug court programs.—

958 (3) (a) Entry into any postadjudicatory treatment-based  
959 drug court program as a condition of probation or community  
960 control pursuant to s. 948.01, s. 948.06, or s. 948.20 must be  
961 based upon the sentencing court's assessment of the defendant's  
962 criminal history, substance abuse screening outcome, amenability

963 to the services of the program, total sentence points, the  
964 recommendation of the state attorney and the victim, if any, and  
965 the defendant's agreement to enter the program.

966 (5) Treatment-based drug court programs may include  
967 pretrial intervention programs as provided in ss. 948.08,  
968 948.16, and 985.345, treatment-based drug court programs  
969 authorized in chapter 39, postadjudicatory programs as provided  
970 in ss. 948.01, 948.06, and 948.20, and review of the status of  
971 compliance or noncompliance of sentenced offenders through a  
972 treatment-based drug court program. While enrolled in a  
973 treatment-based drug court program, the participant is subject  
974 to a coordinated strategy developed by a drug court team under  
975 subsection (4). The coordinated strategy may include a protocol  
976 of sanctions that may be imposed upon the participant for  
977 noncompliance with program rules. The protocol of sanctions may  
978 include, but is not limited to, placement in a substance abuse  
979 treatment program offered by a licensed service provider as  
980 defined in s. 397.311 or in a jail-based treatment program or  
981 serving a period of secure detention under chapter 985 if a  
982 child or a period of incarceration within the time limits  
983 established for contempt of court if an adult. The coordinated  
984 strategy must be provided in writing to the participant before  
985 the participant agrees to enter into a treatment-based drug  
986 court program.

987 Section 21. For the purpose of incorporating the amendment  
988 made by this act to section 948.06, Florida Statutes, in a

989 reference thereto, paragraph (b) of subsection (2) of section  
990 948.012, Florida Statutes, is reenacted to read:

991 948.012 Split sentence of probation or community control  
992 and imprisonment.—

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

997 (b) If the offender does not meet the terms and conditions  
998 of probation or community control, the court may revoke, modify,  
999 or continue the probation or community control as provided in s.  
1000 948.06. If the probation or community control is revoked, the  
1001 court may impose any sentence that it could have imposed at the  
1002 time the offender was placed on probation or community control.  
1003 The court may not provide credit for time served for any portion  
1004 of a probation or community control term toward a subsequent  
1005 term of probation or community control. However, the court may  
1006 not impose a subsequent term of probation or community control  
1007 which, when combined with any amount of time served on preceding  
1008 terms of probation or community control for offenses pending  
1009 before the court for sentencing, would exceed the maximum  
1010 penalty allowable as provided in s. 775.082. Such term of  
1011 incarceration shall be served under applicable law or county  
1012 ordinance governing service of sentences in state or county  
1013 jurisdiction. This paragraph does not prohibit any other  
1014 sanction provided by law.

CS/HB 439

2016

1015

Section 22. This act shall take effect July 1, 2016.