

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

27 | mental health court programs; amending s. 948.08,
 28 | F.S.; expanding eligibility requirements for certain
 29 | pretrial intervention programs; providing for
 30 | voluntary admission into pretrial mental health court
 31 | program; amending s. 948.16, F.S.; expanding
 32 | eligibility of veterans for a misdemeanor pretrial
 33 | veterans' treatment intervention program; providing
 34 | eligibility of misdemeanor defendants for a
 35 | misdemeanor pretrial mental health court program;
 36 | amending s. 948.21, F.S.; expanding veterans'
 37 | eligibility for participating in treatment programs
 38 | while on court-ordered probation or community control;
 39 | amending s. 985.345, F.S.; authorizing pretrial mental
 40 | health court programs for certain juvenile offenders;
 41 | providing for disposition of pending charges after
 42 | completion of the pretrial intervention program;
 43 | providing an effective date.

44 |
 45 | Be It Enacted by the Legislature of the State of Florida:

46 |
 47 | Section 1. Section 394.47891, Florida Statutes, is amended
 48 | to read:

49 | 394.47891 Military veterans and servicemembers court
 50 | programs.—The chief judge of each judicial circuit may establish
 51 | a Military Veterans and Servicemembers Court Program under which
 52 | veterans, as defined in s. 1.01, including veterans who were

HB 439

2016

53 discharged or released under a general discharge, and
54 servicemembers, as defined in s. 250.01, who are charged or
55 convicted of a criminal offense and who suffer from a military-
56 related mental illness, traumatic brain injury, substance abuse
57 disorder, or psychological problem can be sentenced in
58 accordance with chapter 921 in a manner that appropriately
59 addresses the severity of the mental illness, traumatic brain
60 injury, substance abuse disorder, or psychological problem
61 through services tailored to the individual needs of the
62 participant. Entry into any Military Veterans and Servicemembers
63 Court Program must be based upon the sentencing court's
64 assessment of the defendant's criminal history, military
65 service, substance abuse treatment needs, mental health
66 treatment needs, amenability to the services of the program, the
67 recommendation of the state attorney and the victim, if any, and
68 the defendant's agreement to enter the program.

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

71 394.47892 Treatment-based mental health court programs.-

72 (1) Each county may fund a treatment-based mental health
73 court program under which defendants in the justice system
74 assessed with a mental illness shall be processed in such a
75 manner as to appropriately address the severity of the
76 identified mental illness through treatment services tailored to
77 the individual needs of the participant. The Legislature intends
78 to encourage the department, the Department of Corrections, the

79 Department of Juvenile Justice, the Department of Health, the
80 Department of Law Enforcement, the Department of Education, and
81 other such agencies, local governments, law enforcement
82 agencies, interested public or private entities, and individuals
83 to support the creation and establishment of problem-solving
84 court programs. Participation in a treatment-based mental health
85 court program does not relieve a public or private agency of its
86 responsibility for a child or an adult, but enables such agency
87 to better meet the child's or adult's needs through shared
88 responsibility and resources.

89 (2) Treatment-based mental health court programs may
90 include pretrial intervention programs as provided in ss.
91 948.08, 948.16, and 985.345, postadjudicatory treatment-based
92 mental health court programs as provided in ss. 948.01 and
93 948.06, and review of the status of compliance or noncompliance
94 of sentenced defendants through a treatment-based mental health
95 court program.

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

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

105 the defendant's agreement to enter the program.

106 (b) A defendant who is sentenced to a postadjudicatory
107 mental health court program and who, while a mental health court
108 participant, is the subject of a violation of probation or
109 community control under s. 948.06 shall have the violation of
110 probation or community control heard by the judge presiding over
111 the postadjudicatory mental health court program. After a
112 hearing on or admission of the violation, the judge shall
113 dispose of any such violation as he or she deems appropriate if
114 the resulting sentence or conditions are lawful.

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

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

131 mental health court referral or sentence, treatment compliance,
132 completion status and reasons for failure to complete, offenses
133 committed during treatment and the sanctions imposed, frequency
134 of court appearances, and units of service. Programmatic data
135 include referral and screening procedures, eligibility criteria,
136 type and duration of treatment offered, and residential
137 treatment resources.

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

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

157 Section 3. Paragraph (a) of subsection (5) of section
 158 910.035, Florida Statutes, is amended to read:

159 910.035 Transfer from county for plea, sentence, or
 160 participation in a problem-solving court.—

161 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING
 162 COURT.—

163 (a) For purposes of this subsection, the term "problem-
 164 solving court" means a drug court pursuant to s. 948.01, s.
 165 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'
 166 and servicemembers' court pursuant to s. 394.47891, s. 948.08,
 167 s. 948.16, or s. 948.21; ~~or~~ a mental health court pursuant to s.
 168 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; or a
 169 delinquency pretrial intervention court program pursuant to s.
 170 985.345.

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

173 916.106 Definitions.—For the purposes of this chapter, the
 174 term:

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

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

180 916.17 Conditional release.—

181 (1) Except for an inmate currently serving a prison
 182 sentence, the committing court may order a conditional release

183 of any defendant in lieu of an involuntary commitment to a
184 facility pursuant to s. 916.13 or s. 916.15 based upon an
185 approved plan for providing appropriate outpatient care and
186 treatment. A county court may order the conditional release of a
187 defendant for purposes of the provision of outpatient care and
188 treatment only. Upon a recommendation that outpatient treatment
189 of the defendant is appropriate, a written plan for outpatient
190 treatment, including recommendations from qualified
191 professionals, must be filed with the court, with copies to all
192 parties. Such a plan may also be submitted by the defendant and
193 filed with the court with copies to all parties. The plan shall
194 include:

195 (a) Special provisions for residential care or adequate
196 supervision of the defendant.

197 (b) Provisions for outpatient mental health services.

198 (c) If appropriate, recommendations for auxiliary services
199 such as vocational training, educational services, or special
200 medical care.

201
202 In its order of conditional release, the court shall specify the
203 conditions of release based upon the release plan and shall
204 direct the appropriate agencies or persons to submit periodic
205 reports to the court regarding the defendant's compliance with
206 the conditions of the release and progress in treatment, with
207 copies to all parties.

208 Section 6. Section 916.185, Florida Statutes, is created

209 to read:

210 916.185 Forensic Hospital Diversion Pilot Program.—

211 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
212 that many jail inmates who have serious mental illnesses and who
213 are committed to state forensic mental health treatment
214 facilities for restoration of competency to proceed could be
215 served more effectively and at less cost in community-based
216 alternative programs. The Legislature further finds that many
217 people who have serious mental illnesses and who have been
218 discharged from state forensic mental health treatment
219 facilities could avoid returning to the criminal justice and
220 forensic mental health systems if they received specialized
221 treatment in the community. Therefore, it is the intent of the
222 Legislature to create the Forensic Hospital Diversion Pilot
223 Program to serve offenders who have mental illnesses or co-
224 occurring mental illnesses and substance use disorders and who
225 are involved in or at risk of entering state forensic mental
226 health treatment facilities, prisons, jails, or state civil
227 mental health treatment facilities.

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

229 (a) "Best practices" means treatment services that
230 incorporate the most effective and acceptable interventions
231 available in the care and treatment of offenders who are
232 diagnosed as having mental illnesses or co-occurring mental
233 illnesses and substance use disorders.

234 (b) "Community forensic system" means the community mental

235 health and substance use forensic treatment system, including
236 the comprehensive set of services and supports provided to
237 offenders involved in or at risk of becoming involved in the
238 criminal justice system.

239 (c) "Evidence-based practices" means interventions and
240 strategies that, based on the best available empirical research,
241 demonstrate effective and efficient outcomes in the care and
242 treatment of offenders who are diagnosed as having mental
243 illnesses or co-occurring mental illnesses and substance use
244 disorders.

245 (3) CREATION.—There is created a Forensic Hospital
246 Diversion Pilot Program to provide competency-restoration and
247 community-reintegration services in either a locked residential
248 treatment facility when appropriate or a community-based
249 facility based on considerations of public safety, the needs of
250 the individual, and available resources.

251 (a) The department shall implement a Forensic Hospital
252 Diversion Pilot Program modeled after the Miami-Dade Forensic
253 Alternative Center, taking into account local needs and
254 resources in Duval County, in conjunction with the Fourth
255 Judicial Circuit in Duval County; in Broward County, in
256 conjunction with the Seventeenth Judicial Circuit in Broward
257 County; and in Miami-Dade County, in conjunction with the
258 Eleventh Judicial Circuit in Miami-Dade County.

259 (b) The department shall include a comprehensive continuum
260 of care and services that use evidence-based practices and best

261 practices to treat offenders who have mental health and co-
262 occurring substance use disorders.

263 (c) The department and the corresponding judicial circuits
264 shall implement this section if existing resources are available
265 to do so on a recurring basis. The department may request budget
266 amendments pursuant to chapter 216 to realign funds between
267 mental health services and community substance abuse and mental
268 health services in order to implement this pilot program.

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

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

272 (b) Are charged with a felony of the second degree or a
273 felony of the third degree.

274 (c) Do not have a significant history of violent criminal
275 offenses.

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

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

280 (f) Otherwise would be admitted to a state mental health
281 treatment facility.

282 (5) TRAINING.—The Legislature encourages the Florida
283 Supreme Court, in consultation and cooperation with the Florida
284 Supreme Court Task Force on Substance Abuse and Mental Health
285 Issues in the Courts, to develop educational training for judges
286 in the pilot program areas which focuses on the community

287 forensic system.

288 (6) RULEMAKING.—The department may adopt rules to
289 administer this section.

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

292 948.01 When court may place defendant on probation or into
293 community control.—

294 (8) (a) Notwithstanding s. 921.0024 and effective for
295 offenses committed on or after July 1, 2016, the sentencing
296 court may place the defendant into a postadjudicatory treatment-
297 based mental health court program if the offense is a nonviolent
298 felony, the defendant is amenable to mental health treatment,
299 including taking prescribed medications, and the defendant is
300 otherwise qualified under s. 394.47892(4). The satisfactory
301 completion of the program must be a condition of the defendant's
302 probation or community control. As used in this subsection, the
303 term "nonviolent felony" means a third degree felony violation
304 under chapter 810 or any other felony offense that is not a
305 forcible felony as defined in s. 776.08. Defendants charged with
306 resisting an officer with violence under s. 843.01, battery on a
307 law enforcement officer under s. 784.07, or aggravated assault
308 may participate in the mental health court program if the court
309 so orders after the victim is given his or her right to provide
310 testimony or written statement to the court as provided in s.
311 921.143.

312 (b) The defendant must be fully advised of the purpose of

313 the program and the defendant must agree to enter the program.
314 The original sentencing court shall relinquish jurisdiction of
315 the defendant's case to the postadjudicatory treatment-based
316 mental health court program until the defendant is no longer
317 active in the program, the case is returned to the sentencing
318 court due to the defendant's termination from the program for
319 failure to comply with the terms thereof, or the defendant's
320 sentence is completed.

321 (c) The Department of Corrections may establish designated
322 mental health probation officers to support individuals under
323 supervision of the mental health court.

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

326 948.06 Violation of probation or community control;
327 revocation; modification; continuance; failure to pay
328 restitution or cost of supervision.—

329 (2)

330 (j)1. Notwithstanding s. 921.0024 and effective for
331 offenses committed on or after July 1, 2016, the court may order
332 the offender to successfully complete a postadjudicatory
333 treatment-based mental health court program under s. 394.47892
334 or a military veterans and servicemembers court program under s.
335 394.47891 if:

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

338 b. The underlying offense is a nonviolent felony. As used

339 in this subsection, the term "nonviolent felony" means a third
340 degree felony violation under chapter 810 or any other felony
341 offense that is not a forcible felony as defined in s. 776.08.
342 Offenders charged with resisting an officer with violence under
343 s. 843.01, battery on a law enforcement officer under s. 784.07,
344 or aggravated assault may participate in the mental health court
345 program if the court so orders after the victim is given his or
346 her right to provide testimony or written statement to the court
347 as provided in s. 921.143.

348 c. The court determines that the offender is amenable to
349 the services of a postadjudicatory treatment-based mental health
350 court program, including taking prescribed medications, or a
351 military veterans and servicemembers court program.

352 d. The court explains the purpose of the program to the
353 offender and the offender agrees to participate.

354 e. The offender is otherwise qualified to participate in a
355 postadjudicatory treatment-based mental health court program
356 under s. 394.47892(4) or a military veterans and servicemembers
357 court program under s. 394.47891.

358 2. After the court orders the modification of community
359 control or probation, the original sentencing court shall
360 relinquish jurisdiction of the offender's case to the
361 postadjudicatory treatment-based mental health court program
362 until the offender is no longer active in the program, the case
363 is returned to the sentencing court due to the offender's
364 termination from the program for failure to comply with the

365 terms thereof, or the offender's sentence is completed.

366 Section 9. Subsection (8) of section 948.08, Florida
367 Statutes, is renumbered as subsection (9), paragraph (a) of
368 subsection (7) is amended, and a new subsection (8) is added to
369 that section, to read:

370 948.08 Pretrial intervention program.—

371 (7) (a) Notwithstanding any provision of this section, a
372 person who is charged with a felony, other than a felony listed
373 in s. 948.06(8)(c), and identified as a veteran, as defined in
374 s. 1.01, including veterans who were discharged or released
375 under a general discharge, or servicemember, as defined in s.
376 250.01, who suffers from a military service-related mental
377 illness, traumatic brain injury, substance abuse disorder, or
378 psychological problem, is eligible for voluntary admission into
379 a pretrial veterans' treatment intervention program approved by
380 the chief judge of the circuit, upon motion of either party or
381 the court's own motion, except:

382 1. If a defendant was previously offered admission to a
383 pretrial veterans' treatment intervention program at any time
384 before trial and the defendant rejected that offer on the
385 record, the court may deny the defendant's admission to such a
386 program.

387 2. If a defendant previously entered a court-ordered
388 veterans' treatment program, the court may deny the defendant's
389 admission into the pretrial veterans' treatment program.

390 (8) (a) Notwithstanding any provision of this section, a

391 defendant is eligible for voluntary admission into a pretrial
392 mental health court program, established pursuant to s.
393 394.47892, and approved by the chief judge of the circuit, for a
394 period to be determined by the risk and needs assessment of the
395 defendant, upon motion of either party or the court's own motion
396 if:

- 397 1. The defendant is identified as having a mental illness;
398 2. The defendant has not been convicted of a felony; and
399 3. The defendant is charged with:

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

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

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

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

411 (b) At the end of the pretrial intervention period, the
412 court shall consider the recommendation of the treatment
413 provider and the recommendation of the state attorney as to
414 disposition of the pending charges. The court shall determine,
415 by written finding, whether the defendant has successfully
416 completed the pretrial intervention program. If the court finds

417 that the defendant has not successfully completed the pretrial
418 intervention program, the court may order the person to continue
419 in education and treatment, which may include a mental health
420 program offered by a licensed service provider, as defined in s.
421 394.455, or order that the charges revert to normal channels for
422 prosecution. The court shall dismiss the charges upon a finding
423 that the defendant has successfully completed the pretrial
424 intervention program.

425 Section 10. Subsections (3) and (4) of section 948.16,
426 Florida Statutes, are renumbered as subsections (4) and (5),
427 respectively, paragraph (a) of subsection (2) and present
428 subsection (4) are amended, and a new subsection (3) is added to
429 that section, to read:

430 948.16 Misdemeanor pretrial substance abuse education and
431 treatment intervention program; misdemeanor pretrial veterans'
432 treatment intervention program; misdemeanor pretrial mental
433 health court program.—

434 (2) (a) A veteran, as defined in s. 1.01, including
435 veterans who were discharged or released under a general
436 discharge, or servicemember, as defined in s. 250.01, who
437 suffers from a military service-related mental illness,
438 traumatic brain injury, substance abuse disorder, or
439 psychological problem, and who is charged with a misdemeanor is
440 eligible for voluntary admission into a misdemeanor pretrial
441 veterans' treatment intervention program approved by the chief
442 judge of the circuit, for a period based on the program's

HB 439

2016

443 requirements and the treatment plan for the offender, upon
444 motion of either party or the court's own motion. However, the
445 court may deny the defendant admission into a misdemeanor
446 pretrial veterans' treatment intervention program if the
447 defendant has previously entered a court-ordered veterans'
448 treatment program.

449 (3) A defendant who is charged with a misdemeanor and
450 identified as having a mental illness is eligible for voluntary
451 admission into a misdemeanor pretrial mental health court
452 program established pursuant to s. 394.47892, approved by the
453 chief judge of the circuit, for a period to be determined by the
454 risk and needs assessment of the defendant, upon motion of
455 either party or the court's own motion.

456 (5)(4) Any public or private entity providing a pretrial
457 substance abuse education and treatment program or mental health
458 program under this section shall contract with the county or
459 appropriate governmental entity. The terms of the contract shall
460 include, but not be limited to, the requirements established for
461 private entities under s. 948.15(3). This requirement does not
462 apply to services provided by the Department of Veterans'
463 Affairs or the United States Department of Veterans Affairs.

464 Section 11. Section 948.21, Florida Statutes, is amended
465 to read:

466 948.21 Condition of probation or community control;
467 military servicemembers and veterans.—

468 (1) Effective for a probationer or community controllee

HB 439

2016

469 whose crime was committed on or after July 1, 2012, and who is a
470 veteran, as defined in s. 1.01, or servicemember, as defined in
471 s. 250.01, who suffers from a military service-related mental
472 illness, traumatic brain injury, substance abuse disorder, or
473 psychological problem, the court may, in addition to any other
474 conditions imposed, impose a condition requiring the probationer
475 or community controllee to participate in a treatment program
476 capable of treating the probationer or community controllee's
477 mental illness, traumatic brain injury, substance abuse
478 disorder, or psychological problem.

479 (2) Effective for a probationer or community controllee
480 whose crime is committed on or after July 1, 2016, and who is a
481 veteran, as defined in s. 1.01, including veterans who were
482 discharged or released under a general discharge, or
483 servicemember, as defined in s. 250.01, who suffers from a
484 military service-related mental illness, traumatic brain injury,
485 substance abuse disorder, or psychological problem, the court
486 may, in addition to any other conditions imposed, impose a
487 condition requiring the probationer or community controllee to
488 participate in a treatment program capable of treating the
489 probationer or community controllee's mental illness, traumatic
490 brain injury, substance abuse disorder, or psychological
491 problem.

492 (3) The court shall give preference to treatment programs
493 for which the probationer or community controllee is eligible
494 through the United States Department of Veterans Affairs or the

495 Florida Department of Veterans' Affairs. The Department of
496 Corrections is not required to spend state funds to implement
497 this section.

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

501 985.345 Delinquency pretrial intervention program.—

502 (4) Notwithstanding any other provision of law, a child
503 who has been identified as having a mental illness and who has
504 not been previously adjudicated for a felony is eligible for
505 voluntary admission into a delinquency pretrial mental health
506 court program, established pursuant to s. 394.47892, approved by
507 the chief judge of the circuit, for a period based on the
508 program requirements and the treatment services that are
509 suitable for the child, upon motion of either party or the
510 court's own motion if the child is charged with:

511 (a) A misdemeanor;

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

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

519 (d) Battery on a law enforcement officer under 784.07, if
520 the law enforcement officer and state attorney consent to the

521 child's participation; or

522 (e) Aggravated assault, if the victim and state attorney
523 consent to the child's participation,

524 (5) At the end of the delinquency pretrial intervention
525 period, the court shall consider the recommendation of the state
526 attorney and the program administrator as to disposition of the
527 pending charges. The court shall determine, by written finding,
528 whether the child has successfully completed the delinquency
529 pretrial intervention program. If the court finds that the child
530 has not successfully completed the delinquency pretrial
531 intervention program, the court may order the child to continue
532 in an education, treatment, or monitoring program if resources
533 and funding are available or order that the charges revert to
534 normal channels for prosecution. The court may dismiss the
535 charges upon a finding that the child has successfully completed
536 the delinquency pretrial intervention program.

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

541 (7)~~(4)~~ Any entity, whether public or private, providing
542 pretrial substance abuse education, treatment intervention, and
543 a urine monitoring program or a mental health program under this
544 section must contract with the county or appropriate
545 governmental entity, and the terms of the contract must include,
546 but need not be limited to, the requirements established for

HB 439

2016

547 private entities under s. 948.15(3). It is the intent of the
548 Legislature that public or private entities providing substance
549 abuse education and treatment intervention programs involve the
550 active participation of parents, schools, churches, businesses,
551 law enforcement agencies, and the department or its contract
552 providers.

553 Section 13. This act shall take effect July 1, 2016.