

By Senator Bennett

21-00748D-12

2012922

1 A bill to be entitled
2 An act relating to current and former military
3 personnel; amending s. 295.187, F.S.; revising
4 legislative intent; renaming and revising the Florida
5 Service-Disabled Veteran Business Enterprise
6 Opportunity Act to expand the vendor preference in
7 state contracting to include certain businesses owned
8 and operated by wartime veterans or veterans of a
9 period of war; amending s. 320.089, F.S.; providing
10 for the issuance of a Combat Infantry Badge license
11 plate; providing qualifications and requirements for
12 the plate; providing for the use of proceeds from the
13 sale of the plate; creating s. 683.146, F.S.;
14 designating August 7 of each year as "Purple Heart
15 Day"; providing a short title; creating s. 921.00242,
16 F.S.; providing that a person who alleges that he or
17 she committed a criminal offense as a result of
18 posttraumatic stress disorder, traumatic brain injury,
19 substance use disorder, or psychological problems
20 stemming from service in a combat theater in the
21 United States military may have a hearing on that
22 issue before sentencing; providing that a defendant
23 who is eligible for probation or community control may
24 be placed in a treatment program in certain
25 circumstances; providing for sentence credit for a
26 defendant placed in treatment who would have otherwise
27 been incarcerated; providing a preference for
28 treatment programs that have histories of successfully
29 treating such combat veterans; amending s. 948.08,

21-00748D-12

2012922

30 F.S.; creating a pretrial veterans' treatment
31 intervention program; providing requirements for a
32 defendant to be voluntarily admitted to the pretrial
33 program; providing certain exceptions to such
34 admission; providing for the disposition of pending
35 charges following a defendant's completion of the
36 pretrial intervention program; providing for the
37 charges to be expunged under certain circumstances;
38 amending s. 948.16, F.S.; creating a misdemeanor
39 pretrial veterans' treatment intervention program;
40 providing requirements for voluntary admission to the
41 misdemeanor pretrial program; providing for the
42 misdemeanor charges to be expunged under certain
43 circumstances; exempting treatment services provided
44 by the Department of Veterans' Affairs or the United
45 States Department of Veterans Affairs from certain
46 contract requirements; amending s. 1003.05, F.S.;
47 requiring that a school board provide an option to
48 school-aged dependents of military personnel to choose
49 certain schools if the student is reassigned as a
50 result of school rezoning; creating s. 1004.075, F.S.;
51 requiring certain Florida College System institutions
52 and state universities to provide priority course
53 registration for veterans; providing eligibility
54 requirements; creating s. 1005.09, F.S.; encouraging
55 certain independent postsecondary educational
56 institutions to provide priority course registration
57 for veterans; amending s. 1009.21, F.S.; providing
58 that veterans of the Armed Services of the United

21-00748D-12

2012922

59 States, including reserve components thereof, who
60 attend the physical location of a public college,
61 university, or institution of higher learning within
62 the state are residents for tuition purposes;
63 requiring that any veteran who meets specified
64 criteria be admitted to any Florida College System
65 institution or state university of the veteran's
66 choice; providing effective dates.

67
68 Be It Enacted by the Legislature of the State of Florida:

69
70 Section 1. Section 295.187, Florida Statutes, is amended to
71 read:

72 295.187 Florida ~~Service-Disabled~~ Veteran Business
73 Enterprise Opportunity Act.-

74 (1) SHORT TITLE.-This section may be cited as the "Florida
75 ~~Service-Disabled~~ Veteran Business Enterprise Opportunity Act."

76 (2) INTENT.-It is the intent of the Legislature to rectify
77 the economic disadvantage of service-disabled veterans, who are
78 statistically the least likely to be self-employed when compared
79 to the veteran population as a whole and who have made
80 extraordinary sacrifices on behalf of the nation, the state, and
81 the public, by providing opportunities for service-disabled
82 veteran business enterprises as set forth in this section. The
83 Legislature also intends to recognize wartime veterans and
84 veterans of a period of war for their sacrifices as set forth in
85 this section.

86 (3) DEFINITIONS.-For the purpose of this section, the term:

87 (a) "Certified ~~service-disabled~~ veteran business

21-00748D-12

2012922

88 enterprise" means a business that has been certified by the
89 Department of Management Services to be a ~~service-disabled~~
90 veteran business enterprise as defined in paragraph (c).

91 (b) "Service-disabled veteran" means a veteran who is a
92 permanent Florida resident with a service-connected disability
93 as determined by the United States Department of Veterans
94 Affairs or who has been terminated from military service by
95 reason of disability by the United States Department of Defense.

96 (c) "~~Service-disabled~~ Veteran business enterprise" means an
97 independently owned and operated business that:

98 1. Employs 200 or fewer permanent full-time employees;

99 2. Together with its affiliates has a net worth of \$5
100 million or less or, if a sole proprietorship, has a net worth of
101 \$5 million or less including both personal and business
102 investments;

103 3. Is organized to engage in commercial transactions;

104 4. Is domiciled in this state;

105 5. Is at least 51 percent owned by one or more wartime
106 veterans or service-disabled veterans; and

107 6. The management and daily business operations of which
108 are controlled by one or more wartime veterans or service-
109 disabled veterans or, for a service-disabled veteran having with
110 a permanent and total disability, by the spouse or permanent
111 caregiver of the veteran.

112 (d) "Wartime veteran" means:

113 1. A wartime veteran as defined in s. 1.01(14); or

114 2. A veteran of a period of war, as used in 38 U.S.C. s.

115 1521, who served in the active military, naval, or air service:

116 a. For 90 days or more during a period of war;

21-00748D-12

2012922

117 b. During a period of war and was discharged or released
118 from such service for a service-connected disability;

119 c. For a period of 90 consecutive days or more and such
120 period began or ended during a period of war; or

121 d. For an aggregate of 90 days or more in two or more
122 separate periods of service during more than one period of war.

123 (4) VENDOR PREFERENCE.—

124 (a) A state agency, when considering two or more bids,
125 proposals, or replies for the procurement of commodities or
126 contractual services, at least one of which is from a certified
127 ~~service-disabled~~ veteran business enterprise, which ~~that~~ are
128 equal with respect to all relevant considerations, including
129 price, quality, and service, shall award such procurement or
130 contract to the certified ~~service-disabled~~ veteran business
131 enterprise.

132 (b) Notwithstanding s. 287.057(11), if a ~~service-disabled~~
133 veteran business enterprise entitled to the vendor preference
134 under this section and one or more businesses entitled to this
135 preference or another vendor preference provided by law submit
136 bids, proposals, or replies for procurement of commodities or
137 contractual services which ~~that~~ are equal with respect to all
138 relevant considerations, including price, quality, and service,
139 ~~then~~ the state agency shall award the procurement or contract to
140 the business having the smallest net worth.

141 (c) Political subdivisions of the state are encouraged to
142 offer a similar consideration to businesses certified under this
143 section.

144 (5) CERTIFICATION PROCEDURE.—

145 (a) The application for certification as a ~~service-disabled~~

21-00748D-12

2012922__

146 veteran business enterprise must, at a minimum, include:

147 1. The name of the business enterprise applying for
148 certification and the name of the ~~service-disabled~~ veteran
149 submitting the application on behalf of the business enterprise.

150 2. The names of all owners of the business enterprise,
151 including owners who are wartime veterans, service-disabled
152 veterans, and owners who are not a wartime veteran or a service-
153 disabled veteran ~~veterans~~, and the percentage of ownership
154 interest held by each owner.

155 3. The names of all persons involved in both the management
156 and daily operations of the business, including the spouse or
157 permanent caregiver of a veteran who has ~~with~~ a permanent and
158 total disability.

159 4. The service-connected disability rating of all persons
160 listed under subparagraphs 1., 2., and 3., as applicable, with
161 supporting documentation from the United States Department of
162 Veterans Affairs or the United States Department of Defense.

163 5. Documentation of the wartime service of all persons
164 listed under subparagraphs 1., 2., and 3., as applicable, from
165 the United States Department of Veterans Affairs or the United
166 States Department of Defense.

167 ~~6.5.~~ The number of permanent full-time employees.

168 ~~7.6.~~ The location of the business headquarters.

169 ~~8.7.~~ The total net worth of the business enterprise and its
170 affiliates. In the case of a sole proprietorship, the net worth
171 includes personal and business investments.

172 (b) To maintain certification, a ~~service-disabled~~ veteran
173 business enterprise shall renew its certification biennially.

174 (c) ~~The provisions of Chapter 120,~~ relating to application,

21-00748D-12

2012922

175 denial, and revocation procedures, applies ~~shall apply~~ to
176 certifications under this section.

177 (d) A certified ~~service-disabled~~ veteran business
178 enterprise must notify the Department of Management Services
179 within 30 business days after any event that may significantly
180 affect the certification of the business, including, but not
181 limited to, a change in ownership or change in management and
182 daily business operations.

183 (e) The certification of a ~~service-disabled~~ veteran
184 business enterprise shall be revoked for 12 months if the
185 Department of Management Services determines that the business
186 enterprise violated paragraph (d). An owner of a certified
187 ~~service-disabled~~ veteran business enterprise whose certification
188 is revoked may ~~is not permitted to~~ reapply for certification
189 under this section as an owner of any business enterprise during
190 the 12-month revocation period.

191 1. During the 12-month revocation period, a ~~service-~~
192 ~~disabled~~ veteran business enterprise whose certification has
193 been revoked may bid on state contracts but is not eligible for
194 any preference available under this section.

195 2. A ~~service-disabled~~ veteran business enterprise whose
196 certification has been revoked may apply for certification at
197 the conclusion of the 12-month revocation period by complying
198 with requirements applicable to initial certifications.

199 (6) DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.—The
200 department shall:

201 (a) Assist the Department of Management Services in
202 establishing a certification procedure, which shall be reviewed
203 biennially and updated as necessary.

21-00748D-12

2012922

204 (b) Identify eligible ~~service-disabled~~ veteran business
205 enterprises by any electronic means, including electronic mail
206 or Internet website, or by any other reasonable means.

207 (c) Encourage and assist eligible ~~service-disabled~~ veteran
208 business enterprises to apply for certification under this
209 section.

210 (d) Provide information regarding services that are
211 available from the Office of Veterans' Business Outreach of the
212 Florida Small Business Development Center to ~~service-disabled~~
213 veteran business enterprises.

214 (7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.—The
215 department shall:

216 (a) With assistance from the Department of Veterans'
217 Affairs, establish a certification procedure, which shall be
218 reviewed biennially and updated as necessary.

219 (b) Grant, deny, or revoke the certification of a ~~service-~~
220 ~~disabled~~ veteran business enterprise under this section.

221 (c) Maintain an electronic directory of certified ~~service-~~
222 ~~disabled~~ veteran business enterprises for use by the state,
223 political subdivisions of the state, and the public.

224 (8) REPORT.—The Small Business Development Center shall
225 include in its report required by s. 288.705 the percentage of
226 certified ~~service-disabled~~ veteran business enterprises using
227 the statewide contracts register.

228 (9) RULES.—The Department of Veterans' Affairs and the
229 Department of Management Services, as appropriate, may adopt
230 rules as necessary to administer this section.

231 Section 2. Effective October 1, 2012, section 320.089,
232 Florida Statutes, is amended to read:

21-00748D-12

2012922

233 320.089 Members of National Guard and active United States
234 Armed Forces reservists; former prisoners of war; survivors of
235 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
236 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
237 Badge recipients; special license plates; fee.—

238 (1) (a) Each owner or lessee of an automobile or truck for
239 private use or recreational vehicle as specified in s.
240 320.08(9) (c) or (d), which is not used for hire or commercial
241 use, who is a resident of the state and an active or retired
242 member of the Florida National Guard, a survivor of the attack
243 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
244 active or retired member of any branch of the United States
245 Armed Forces Reserve, or a recipient of the Combat Infantry
246 Badge shall, upon application to the department, accompanied by
247 proof of active membership or retired status in the Florida
248 National Guard, proof of membership in the Pearl Harbor
249 Survivors Association or proof of active military duty in Pearl
250 Harbor on December 7, 1941, proof of being a Purple Heart medal
251 recipient, ~~or~~ proof of active or retired membership in any
252 branch of the Armed Forces Reserve, or proof of membership in
253 the Combat Infantrymen's Association, Inc., or other proof of
254 being a recipient of the Combat Infantry Badge, and upon payment
255 of the license tax for the vehicle as provided in s. 320.08, be
256 issued a license plate as provided by s. 320.06, upon which, in
257 lieu of the serial numbers prescribed by s. 320.06, shall be
258 stamped the words "National Guard," "Pearl Harbor Survivor,"
259 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
260 Badge," as appropriate, followed by the serial number of the
261 license plate. Additionally, the Purple Heart plate may have the

21-00748D-12

2012922

262 words "Purple Heart" stamped on the plate and the likeness of
263 the Purple Heart medal appearing on the plate.

264 (b) Notwithstanding any other provision of law to the
265 contrary, beginning with fiscal year 2002-2003 and annually
266 thereafter, the first \$100,000 in general revenue generated from
267 the sale of license plates issued under this section shall be
268 deposited into the Grants and Donations Trust Fund, as described
269 in s. 296.38(2), to be used for the purposes established by law
270 for that trust fund. Any additional general revenue generated
271 from the sale of such plates shall be deposited into the State
272 Homes for Veterans Trust Fund and used solely to construct,
273 operate, and maintain domiciliary and nursing homes for
274 veterans, subject to the requirements of chapter 216.

275 (c) Notwithstanding any provisions of law to the contrary,
276 an applicant for a Pearl Harbor Survivor license plate or a
277 Purple Heart license plate who also qualifies for a disabled
278 veteran's license plate under s. 320.084 shall be issued the
279 appropriate special license plate without payment of the license
280 tax imposed by s. 320.08.

281 (2) Each owner or lessee of an automobile or truck for
282 private use, truck weighing not more than 7,999 pounds, or
283 recreational vehicle as specified in s. 320.08(9)(c) or (d),
284 which is not used for hire or commercial use, who is a resident
285 of the state and who is a former prisoner of war, or their
286 unremarried surviving spouse, shall, upon application therefor
287 to the department, be issued a license plate as provided in s.
288 320.06, on which license plate are stamped the words "Ex-POW"
289 followed by the serial number. Each application shall be
290 accompanied by proof that the applicant meets the qualifications

21-00748D-12

2012922

291 specified in paragraph (a) or paragraph (b).

292 (a) A citizen of the United States who served as a member
293 of the Armed Forces of the United States or the armed forces of
294 a nation allied with the United States who was held as a
295 prisoner of war at such time as the Armed Forces of the United
296 States were engaged in combat, or their unremarried surviving
297 spouse, may be issued the special license plate provided for in
298 this subsection without payment of the license tax imposed by s.
299 320.08.

300 (b) A person who was serving as a civilian with the consent
301 of the United States Government, or a person who was a member of
302 the Armed Forces of the United States who was not a United
303 States citizen and was held as a prisoner of war when the Armed
304 Forces of the United States were engaged in combat, or their
305 unremarried surviving spouse, may be issued the special license
306 plate provided for in this subsection upon payment of the
307 license tax imposed by s. 320.08.

308 (3) Each owner or lessee of an automobile or truck for
309 private use, truck weighing not more than 7,999 pounds, or
310 recreational vehicle as specified in s. 320.08(9)(c) or (d),
311 which is not used for hire or commercial use, who is a resident
312 of this state and who is the unremarried surviving spouse of a
313 recipient of the Purple Heart medal shall, upon application
314 therefor to the department, with the payment of the required
315 fees, be issued a license plate as provided in s. 320.06, on
316 which license plate are stamped the words "Purple Heart" and the
317 likeness of the Purple Heart medal followed by the serial
318 number. Each application shall be accompanied by proof that the
319 applicant is the unremarried surviving spouse of a recipient of

21-00748D-12

2012922

320 the Purple Heart medal.

321 (4) The owner or lessee of an automobile or truck for
322 private use, a truck weighing not more than 7,999 pounds, or a
323 recreational vehicle as specified in s. 320.08(9)(c) or (d)
324 which automobile, truck, or recreational vehicle is not used for
325 hire or commercial use who is a resident of the state and a
326 current or former member of the United States military who was
327 deployed and served in Iraq during Operation Iraqi Freedom or in
328 Afghanistan during Operation Enduring Freedom shall, upon
329 application to the department, accompanied by proof of active
330 membership or former active duty status during one of these
331 operations, and upon payment of the license tax for the vehicle
332 as provided in s. 320.08, be issued a license plate as provided
333 by s. 320.06 upon which, in lieu of the registration license
334 number prescribed by s. 320.06, shall be stamped the words
335 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
336 appropriate, followed by the registration license number of the
337 plate.

338 Section 3. Section 683.146, Florida Statutes, is created to
339 read:

340 683.146 Purple Heart Day.-

341 (1) August 7 of each year is designated as "Purple Heart
342 Day."

343 (2) The Governor may annually issue a proclamation
344 designating August 7 as "Purple Heart Day." Public officials,
345 schools, private organizations, and all residents of the state
346 are encouraged to commemorate Purple Heart Day and honor those
347 wounded or killed while serving in any branch of the United
348 States Armed Services.

21-00748D-12

2012922

349 Section 4. Sections 4 through 7 of this act may be cited as
350 the "T. Patt Maney Veterans' Treatment Intervention Act."

351 Section 5. Section 921.00242, Florida Statutes, is created
352 to read:

353 921.00242 Convicted military veterans; posttraumatic stress
354 disorder, traumatic brain injury, substance use disorder, or
355 psychological problems from service; treatment services.-

356 (1) The court must hold a veterans' status hearing prior to
357 sentencing for a criminal offense if the defendant has alleged
358 that he or she committed the offense as a result of
359 posttraumatic stress disorder, traumatic brain injury, substance
360 use disorder, or psychological problems stemming from service in
361 a combat theater in the United States military.

362 (2) At a veterans' status hearing conducted as required by
363 subsection (1), the court shall determine whether the defendant
364 was a member of the military forces of the United States who
365 served in a combat theater and assess whether the defendant
366 suffers from posttraumatic stress disorder, traumatic brain
367 injury, substance use disorder, or psychological problems as a
368 result of that service. The defendant shall bear the burden of
369 proof at the hearing.

370 (3) If the court concludes that the defendant is a person
371 described in subsection (2) who is eligible for probation or
372 community control and the court places the defendant on county
373 or state probation or into community control, the court may
374 order the defendant into a local, state, federal, or private
375 nonprofit treatment program as a condition of probation or
376 community control if the defendant agrees to participate in the
377 program and the court determines that an appropriate treatment

21-00748D-12

2012922

378 program exists.

379 (4) A defendant who is placed on county or state probation
380 or into community control and committed to a residential
381 treatment program under this section shall earn sentence credits
382 for the actual time he or she serves in the residential
383 treatment program if the court makes a written finding that it
384 would otherwise have sentenced the defendant to incarceration
385 except for the fact that the defendant is a person described in
386 subsection (2).

387 (5) In making an order under this section to commit a
388 defendant to a treatment program, whenever possible the court
389 shall place the defendant in a treatment program that has a
390 history of successfully treating combat veterans who suffer from
391 posttraumatic stress disorder, traumatic brain injury, substance
392 use disorder, or psychological problems as a result of that
393 service. The court shall give preference to treatment programs
394 for which the veteran is eligible through the United States
395 Department of Veterans Affairs or the Department of Veterans'
396 Affairs.

397 Section 6. Present subsection (7) of section 948.08,
398 Florida Statutes, is renumbered as subsection (8), and a new
399 subsection (7) is added to that section, to read:

400 948.08 Pretrial intervention program.—

401 (7) (a) A person who is charged with a felony, other than a
402 felony listed in s. 948.06(8)(c), and identified as a member or
403 former member of the military forces of the United States who
404 served in a combat theater and who suffers from posttraumatic
405 stress disorder, traumatic brain injury, substance use disorder,
406 or psychological problems as a result of that service is

21-00748D-12

2012922

407 eligible for voluntary admission into a pretrial veterans'
408 treatment intervention program approved by the chief judge of
409 the circuit, upon motion of either party or the court's own
410 motion, except:

411 1. If a defendant was previously offered admission to a
412 pretrial veterans' treatment intervention program at any time
413 prior to trial and the defendant rejected that offer on the
414 record, the court may deny the defendant's admission to such a
415 program.

416 2. If a defendant previously entered a court-ordered
417 veterans' treatment program, the court may deny the defendant's
418 admission into the pretrial veterans' treatment program.

419 3. If the state attorney believes that the facts and
420 circumstances of the case suggest the defendant's involvement in
421 the selling of controlled substances, the court shall hold a
422 preadmission hearing. If the state attorney establishes, by a
423 preponderance of the evidence at such hearing, that the
424 defendant was involved in the selling of controlled substances,
425 the court shall deny the defendant's admission into a pretrial
426 intervention program.

427 (b) While enrolled in a pretrial intervention program
428 authorized by this subsection, the participant shall be subject
429 to a coordinated strategy developed by a veterans' treatment
430 intervention team. The coordinated strategy should be modeled
431 after the therapeutic jurisprudence principles and key
432 components in s. 397.334(4), with treatment specific to the
433 needs of veterans. The coordinated strategy may include a
434 protocol of sanctions that may be imposed upon the participant
435 for noncompliance with program rules. The protocol of sanctions

21-00748D-12

2012922

436 may include, but need not be limited to, placement in a
437 treatment program offered by a licensed service provider or in a
438 jail-based treatment program or serving a period of
439 incarceration within the time limits established for contempt of
440 court. The coordinated strategy must be provided in writing to
441 the participant before the participant agrees to enter into a
442 pretrial veterans' treatment intervention program or other
443 pretrial intervention program. Any person whose charges are
444 dismissed after successful completion of the pretrial veterans'
445 treatment intervention program, if otherwise eligible, may have
446 his or her arrest record and plea of nolo contendere to the
447 dismissed charges expunged under s. 943.0585.

448 (c) At the end of the pretrial intervention period, the
449 court shall consider the recommendation of the administrator
450 pursuant to subsection (5) and the recommendation of the state
451 attorney as to disposition of the pending charges. The court
452 shall determine, by written finding, whether the defendant has
453 successfully completed the pretrial intervention program. If the
454 court finds that the defendant has not successfully completed
455 the pretrial intervention program, the court may order the
456 person to continue in education and treatment, which may include
457 treatment programs offered by licensed service providers or
458 jail-based treatment programs, or order that the charges revert
459 to normal channels for prosecution. The court shall dismiss the
460 charges upon a finding that the defendant has successfully
461 completed the pretrial intervention program.

462 Section 7. Section 948.16, Florida Statutes, is amended to
463 read:

464 948.16 Misdemeanor pretrial substance abuse education and

21-00748D-12

2012922

465 treatment intervention program; misdemeanor pretrial veterans'
466 treatment intervention program.—

467 (1) (a) A person who is charged with a misdemeanor for
468 possession of a controlled substance or drug paraphernalia under
469 chapter 893, and who has not previously been convicted of a
470 felony nor been admitted to a pretrial program, is eligible for
471 voluntary admission into a misdemeanor pretrial substance abuse
472 education and treatment intervention program, including a
473 treatment-based drug court program established pursuant to s.
474 397.334, approved by the chief judge of the circuit, for a
475 period based on the program requirements and the treatment plan
476 for the offender, upon motion of either party or the court's own
477 motion, except, if the state attorney believes the facts and
478 circumstances of the case suggest the defendant is involved in
479 dealing and selling controlled substances, the court shall hold
480 a preadmission hearing. If the state attorney establishes, by a
481 preponderance of the evidence at such hearing, that the
482 defendant was involved in dealing or selling controlled
483 substances, the court shall deny the defendant's admission into
484 the pretrial intervention program.

485 (b) While enrolled in a pretrial intervention program
486 authorized by this section, the participant is subject to a
487 coordinated strategy developed by a drug court team under s.
488 397.334(4). The coordinated strategy may include a protocol of
489 sanctions that may be imposed upon the participant for
490 noncompliance with program rules. The protocol of sanctions may
491 include, but is not limited to, placement in a substance abuse
492 treatment program offered by a licensed service provider as
493 defined in s. 397.311 or in a jail-based treatment program or

21-00748D-12

2012922__

494 serving a period of incarceration within the time limits
495 established for contempt of court. The coordinated strategy must
496 be provided in writing to the participant before the participant
497 agrees to enter into a pretrial treatment-based drug court
498 program or other pretrial intervention program. Any person whose
499 charges are dismissed after successful completion of the
500 treatment-based drug court program, if otherwise eligible, may
501 have his or her arrest record and plea of nolo contendere to the
502 dismissed charges expunged under s. 943.0585.

503 (2) (a) A member or former member of the military forces of
504 the United States who served in a combat theater and who suffers
505 from posttraumatic stress disorder, traumatic brain injury,
506 substance use disorder, or psychological problems as a result of
507 that service who is charged with a misdemeanor is eligible for
508 voluntary admission into a misdemeanor pretrial veterans'
509 treatment intervention program approved by the chief judge of
510 the circuit, for a period based on the program requirements and
511 the treatment plan for the offender, upon motion of either party
512 or the court's own motion. However, the court may deny the
513 defendant admission into a misdemeanor pretrial veterans'
514 treatment intervention program if the defendant has previously
515 entered a court-ordered veterans' treatment program.

516 (b) While enrolled in a pretrial intervention program
517 authorized by this section, the participant shall be subject to
518 a coordinated strategy developed by a veterans' treatment
519 intervention team. The coordinated strategy should be modeled
520 after the therapeutic jurisprudence principles and key
521 components in s. 397.334(4), with treatment specific to the
522 needs of veterans. The coordinated strategy may include a

21-00748D-12

2012922

523 protocol of sanctions that may be imposed upon the participant
524 for noncompliance with program rules. The protocol of sanctions
525 may include, but need not be limited to, placement in a
526 treatment program offered by a licensed service provider or in a
527 jail-based treatment program or serving a period of
528 incarceration within the time limits established for contempt of
529 court. The coordinated strategy must be provided in writing to
530 the participant before the participant agrees to enter into a
531 misdemeanor pretrial veterans' treatment intervention program or
532 other pretrial intervention program. Any person whose charges
533 are dismissed after successful completion of the misdemeanor
534 pretrial veterans' treatment intervention program, if otherwise
535 eligible, may have his or her arrest record and plea of nolo
536 contendere to the dismissed charges expunged under s. 943.0585.

537 (3)-(2) At the end of the pretrial intervention period, the
538 court shall consider the recommendation of the treatment program
539 and the recommendation of the state attorney as to disposition
540 of the pending charges. The court shall determine, by written
541 finding, whether the defendant successfully completed the
542 pretrial intervention program. Notwithstanding the coordinated
543 strategy developed by a drug court team pursuant to s.
544 397.334(4) or by the veterans' treatment intervention team, if
545 the court finds that the defendant has not successfully
546 completed the pretrial intervention program, the court may order
547 the person to continue in education and treatment or return the
548 charges to the criminal docket for prosecution. The court shall
549 dismiss the charges upon finding that the defendant has
550 successfully completed the pretrial intervention program.

551 (4)-(3) Any public or private entity providing a pretrial

21-00748D-12

2012922

552 substance abuse education and treatment program under this
553 section shall contract with the county or appropriate
554 governmental entity. The terms of the contract shall include,
555 but not be limited to, the requirements established for private
556 entities under s. 948.15(3). This requirement does not apply to
557 services provided by the Department of Veterans' Affairs or the
558 United States Department of Veterans Affairs.

559 Section 8. Subsection (1) of section 1003.05, Florida
560 Statutes, is amended to read:

561 1003.05 Assistance to transitioning students from military
562 families.—

563 (1) The Legislature finds that school-aged dependents of
564 military personnel, otherwise known as military students, are
565 faced with numerous transitions during their formative years and
566 that moves during the high school years provide special
567 challenges to learning and future achievement.

568 (a) Recognizing the challenges faced by military students
569 and the importance of military families to our community and
570 economy, the Department of Education shall assist the transition
571 of these students by improving the timely transfer of records,
572 developing systems to ease student transition during the first 2
573 weeks of enrollment, promoting practices which foster access to
574 extracurricular programs, establishing procedures to lessen the
575 adverse impact of moves from the end of the junior year as well
576 as before and during the senior year, encouraging or continuing
577 partnerships between the military base and the school system,
578 providing services for transitioning students when applying to
579 and finding funding for postsecondary study, and providing other
580 assistance as identified by department, school, and military

21-00748D-12

2012922

581 personnel.

582 (b) If a local school board adjusts school zones within its
583 boundaries, military students shall be given the option of
584 remaining at the school they are currently attending or may
585 attend the school assigned as a result of the rezoning.

586 Section 9. Section 1004.075, Florida Statutes, is created
587 to read:

588 1004.075 Priority course registration for veterans.—Each
589 Florida College System institution and state university that
590 offers priority course registration for a segment of the student
591 population, or upon implementation of priority course
592 registration for a segment of the student population, shall
593 provide priority course registration for each veteran of the
594 United States Armed Forces who is receiving GI Bill educational
595 benefits or for the spouse or dependent children of the veteran
596 to whom the GI Bill educational benefits have been transferred.
597 Each eligible veteran, or his or her spouse or dependent
598 children, shall be granted priority for course registration
599 until the expiration of the GI Bill educational benefits.

600 Section 10. Section 1005.09, Florida Statutes, is created
601 to read:

602 1005.09 Priority course registration for veterans.—Each
603 independent postsecondary educational institution that is under
604 the jurisdiction of the commission or is exempt from the
605 jurisdiction of the commission and that offers priority course
606 registration for a segment of the student population, or upon
607 implementation of priority course registration for a segment of
608 the student population, is encouraged to provide priority course
609 registration for each veteran of the United States Armed Forces,

21-00748D-12

2012922

610 or his or her spouse or dependent children, who is receiving GI
611 Bill educational benefits, in accordance with s. 1004.075.

612 Section 11. Present paragraphs (c) through (k) of
613 subsection (10) of section 1009.21, Florida Statutes, are
614 redesignated as paragraphs (d) through (l), respectively, and a
615 new paragraph (c) is added to that subsection, to read:

616 1009.21 Determination of resident status for tuition
617 purposes.—Students shall be classified as residents or
618 nonresidents for the purpose of assessing tuition in
619 postsecondary educational programs offered by charter technical
620 career centers or career centers operated by school districts,
621 in Florida College System institutions, and in state
622 universities.

623 (10) The following persons shall be classified as residents
624 for tuition purposes:

625 (c) Veterans of the Armed Services of the United States,
626 including reserve components thereof, who attend the physical
627 location of a public college, university, or institution of
628 higher learning within the state.

629 Section 12. Any veteran of the United States Armed Forces
630 who was a resident of this state 4 years before entering
631 military service and who holds an associate degree or has earned
632 at least 60 college credit hours from a Florida College System
633 institution shall be admitted to any Florida College System
634 institution or state university of the veteran's choice.

635 Section 13. Except as otherwise expressly provided in this
636 act, this act shall take effect July 1, 2012.