

HB 977

2012

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 and a Vietnam War Veterans license plate;  
12 providing qualifications and requirements for the  
13 plates; providing for the use of proceeds from the  
14 sale of the plates; creating s. 683.146, F.S.;  
15 designating August 7 of each year as "Purple Heart  
16 Day"; providing a short title; creating s. 921.00242,  
17 F.S.; providing that a person who alleges that he or  
18 she committed a criminal offense as a result of  
19 posttraumatic stress disorder, traumatic brain injury,  
20 substance use disorder, or psychological problems  
21 stemming from service in a combat theater in the  
22 United States military may have a hearing on that  
23 issue before sentencing; providing that a defendant  
24 who is eligible for probation or community control may  
25 be placed in a treatment program in certain  
26 circumstances; providing for sentence credit for a  
27 defendant placed in treatment who would have otherwise  
28 been incarcerated; providing a preference for

HB 977

2012

29 treatment programs that have histories of successfully  
30 treating such combat veterans; amending s. 948.08,  
31 F.S.; creating a pretrial veterans' treatment  
32 intervention program; providing requirements for a  
33 defendant to be voluntarily admitted to the pretrial  
34 program; providing certain exceptions to such  
35 admission; providing for the disposition of pending  
36 charges following a defendant's completion of the  
37 pretrial intervention program; providing for the  
38 charges to be expunged under certain circumstances;  
39 amending s. 948.16, F.S.; creating a misdemeanor  
40 pretrial veterans' treatment intervention program;  
41 providing requirements for voluntary admission to the  
42 misdemeanor pretrial program; providing for the  
43 misdemeanor charges to be expunged under certain  
44 circumstances; exempting treatment services provided  
45 by the Department of Veterans' Affairs or the United  
46 States Department of Veterans Affairs from certain  
47 contract requirements; amending s. 1003.05, F.S.;  
48 requiring that a school board provide an option to  
49 school-aged dependents of military personnel to choose  
50 certain schools if the student is reassigned as a  
51 result of school rezoning; creating s. 1004.075, F.S.;  
52 requiring certain Florida College System institutions  
53 and state universities to provide priority course  
54 registration for veterans; providing eligibility  
55 requirements; creating s. 1005.09, F.S.; encouraging  
56 certain independent postsecondary educational

HB 977

2012

57 institutions to provide priority course registration  
58 for veterans; amending s. 1009.21, F.S.; providing  
59 that veterans of the Armed Services of the United  
60 States, including reserve components thereof, who  
61 attend the physical location of a public college,  
62 university, or institution of higher learning within  
63 the state are residents for tuition purposes;  
64 requiring that any veteran who meets specified  
65 criteria be admitted to any Florida College System  
66 institution or state university of the veteran's  
67 choice; providing effective dates.

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

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

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

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

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

85 veterans of a period of war for their sacrifices as set forth in  
 86 this section.

87 (3) DEFINITIONS.—For the purpose of this section, the  
 88 term:

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

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

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

- 100 1. Employs 200 or fewer permanent full-time employees;
- 101 2. Together with its affiliates has a net worth of \$5  
 102 million or less or, if a sole proprietorship, has a net worth of  
 103 \$5 million or less including both personal and business  
 104 investments;
- 105 3. Is organized to engage in commercial transactions;
- 106 4. Is domiciled in this state;
- 107 5. Is at least 51 percent owned by one or more wartime  
 108 veterans or service-disabled veterans; and
- 109 6. The management and daily business operations of which  
 110 are controlled by one or more wartime veterans or service-  
 111 disabled veterans or, for a service-disabled veteran having with  
 112 a permanent and total disability, by the spouse or permanent

HB 977

2012

113 caregiver of the veteran.

114 (d) "Wartime veteran" means:

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

116 2. A veteran of a period of war, as used in 38 U.S.C. s.  
117 1521, who served in the active military, naval, or air service:

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

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

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

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

125 (4) VENDOR PREFERENCE.—

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

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

141 ~~then~~ the state agency shall award the procurement or contract to  
 142 the business having the smallest net worth.

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

146 (5) CERTIFICATION PROCEDURE.—

147 (a) The application for certification as a ~~service-~~  
 148 ~~disabled~~ veteran business enterprise must, at a minimum,  
 149 include:

150 1. The name of the business enterprise applying for  
 151 certification and the name of the ~~service-disabled~~ veteran  
 152 submitting the application on behalf of the business enterprise.

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

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

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

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

169 States Department of Defense.

170 ~~6.5.~~ The number of permanent full-time employees.

171 ~~7.6.~~ The location of the business headquarters.

172 ~~8.7.~~ The total net worth of the business enterprise and  
 173 its affiliates. In the case of a sole proprietorship, the net  
 174 worth includes personal and business investments.

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

177 (c) ~~The provisions of Chapter 120,~~ relating to  
 178 application, denial, and revocation procedures, applies shall  
 179 ~~apply~~ to certifications under this section.

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

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

194 1. During the 12-month revocation period, a ~~service-~~  
 195 ~~disabled~~ veteran business enterprise whose certification has  
 196 been revoked may bid on state contracts but is not eligible for

197 any preference available under this section.

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

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

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

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

210 (c) Encourage and assist eligible ~~service-disabled~~ veteran  
 211 business enterprises to apply for certification under this  
 212 section.

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

217 (7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.—The  
 218 department shall:

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

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

224 (c) Maintain an electronic directory of certified ~~service-~~



HB 977

2012

225 ~~disabled~~ veteran business enterprises for use by the state,  
 226 political subdivisions of the state, and the public.

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

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

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

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

242 (1) (a) Each owner or lessee of an automobile or truck for  
 243 private use or recreational vehicle as specified in s.  
 244 320.08(9)(c) or (d), which is not used for hire or commercial  
 245 use, who is a resident of the state and an active or retired  
 246 member of the Florida National Guard, a survivor of the attack  
 247 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an  
 248 active or retired member of any branch of the United States  
 249 Armed Forces Reserve, or a recipient of the Combat Infantry  
 250 Badge shall, upon application to the department, accompanied by  
 251 proof of active membership or retired status in the Florida  
 252 National Guard, proof of membership in the Pearl Harbor

HB 977

2012

253 Survivors Association or proof of active military duty in Pearl  
 254 Harbor on December 7, 1941, proof of being a Purple Heart medal  
 255 recipient, ~~or~~ proof of active or retired membership in any  
 256 branch of the Armed Forces Reserve, or proof of membership in  
 257 the Combat Infantrymen's Association, Inc., or other proof of  
 258 being a recipient of the Combat Infantry Badge, and upon payment  
 259 of the license tax for the vehicle as provided in s. 320.08, be  
 260 issued a license plate as provided by s. 320.06, upon which, in  
 261 lieu of the serial numbers prescribed by s. 320.06, shall be  
 262 stamped the words "National Guard," "Pearl Harbor Survivor,"  
 263 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry  
 264 Badge," as appropriate, followed by the serial number of the  
 265 license plate. Additionally, the Purple Heart plate may have the  
 266 words "Purple Heart" stamped on the plate and the likeness of  
 267 the Purple Heart medal appearing on the plate.

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

279 (c) Notwithstanding any provisions of law to the contrary,  
 280 an applicant for a Pearl Harbor Survivor license plate or a

HB 977

2012

281 Purple Heart license plate who also qualifies for a disabled  
282 veteran's license plate under s. 320.084 shall be issued the  
283 appropriate special license plate without payment of the license  
284 tax imposed by s. 320.08.

285 (2) Each owner or lessee of an automobile or truck for  
286 private use, truck weighing not more than 7,999 pounds, or  
287 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
288 which is not used for hire or commercial use, who is a resident  
289 of the state and who is a former prisoner of war, or their  
290 unremarried surviving spouse, shall, upon application therefor  
291 to the department, be issued a license plate as provided in s.  
292 320.06, on which license plate are stamped the words "Ex-POW"  
293 followed by the serial number. Each application shall be  
294 accompanied by proof that the applicant meets the qualifications  
295 specified in paragraph (a) or paragraph (b).

296 (a) A citizen of the United States who served as a member  
297 of the Armed Forces of the United States or the armed forces of  
298 a nation allied with the United States who was held as a  
299 prisoner of war at such time as the Armed Forces of the United  
300 States were engaged in combat, or their unremarried surviving  
301 spouse, may be issued the special license plate provided for in  
302 this subsection without payment of the license tax imposed by s.  
303 320.08.

304 (b) A person who was serving as a civilian with the  
305 consent of the United States Government, or a person who was a  
306 member of the Armed Forces of the United States who was not a  
307 United States citizen and was held as a prisoner of war when the  
308 Armed Forces of the United States were engaged in combat, or

HB 977

2012

309 their unremarried surviving spouse, may be issued the special  
310 license plate provided for in this subsection upon payment of  
311 the license tax imposed by s. 320.08.

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

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

HB 977

2012

337 by s. 320.06 upon which, in lieu of the registration license  
338 number prescribed by s. 320.06, shall be stamped the words  
339 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as  
340 appropriate, followed by the registration license number of the  
341 plate.

342 (5) The owner or lessee of an automobile or truck for  
343 private use, a truck weighing not more than 7,999 pounds, or a  
344 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
345 which automobile, truck, or recreational vehicle is not used for  
346 hire or commercial use who is a resident of the state and a  
347 current or former member of the United States military who was  
348 deployed and served in Vietnam during U. S. military deployment  
349 in Indochina shall, upon application to the department,  
350 accompanied by proof of active membership or former active duty  
351 status during these operations, and upon payment of the license  
352 tax for the vehicle as provided in s. 320.08, be issued a  
353 license plate as provided by s. 320.06 upon which, in lieu of  
354 the registration license number prescribed by s. 320.06, shall  
355 be stamped the words "Vietnam War Veteran," followed by the  
356 registration license number of the plate.

357 Section 3. Section 683.146, Florida Statutes, is created  
358 to read:

359 683.146 Purple Heart Day.—

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

362 (2) The Governor may annually issue a proclamation  
363 designating August 7 as "Purple Heart Day." Public officials,  
364 schools, private organizations, and all residents of the state

HB 977

2012

365 are encouraged to commemorate Purple Heart Day and honor those  
366 wounded or killed while serving in any branch of the United  
367 States Armed Services.

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

370 Section 5. Section 921.00242, Florida Statutes, is created  
371 to read:

372 921.00242 Convicted military veterans; posttraumatic  
373 stress disorder, traumatic brain injury, substance use disorder,  
374 or psychological problems from service; treatment services.—

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

381 (2) At a veterans' status hearing conducted as required by  
382 subsection (1), the court shall determine whether the defendant  
383 was a member of the military forces of the United States who  
384 served in a combat theater and assess whether the defendant  
385 suffers from posttraumatic stress disorder, traumatic brain  
386 injury, substance use disorder, or psychological problems as a  
387 result of that service. The defendant shall bear the burden of  
388 proof at the hearing.

389 (3) If the court concludes that the defendant is a person  
390 described in subsection (2) who is eligible for probation or  
391 community control and the court places the defendant on county  
392 or state probation or into community control, the court may

HB 977

2012

393 order the defendant into a local, state, federal, or private  
394 nonprofit treatment program as a condition of probation or  
395 community control if the defendant agrees to participate in the  
396 program and the court determines that an appropriate treatment  
397 program exists.

398 (4) A defendant who is placed on county or state probation  
399 or into community control and committed to a residential  
400 treatment program under this section shall earn sentence credits  
401 for the actual time he or she serves in the residential  
402 treatment program if the court makes a written finding that it  
403 would otherwise have sentenced the defendant to incarceration  
404 except for the fact that the defendant is a person described in  
405 subsection (2).

406 (5) In making an order under this section to commit a  
407 defendant to a treatment program, whenever possible the court  
408 shall place the defendant in a treatment program that has a  
409 history of successfully treating combat veterans who suffer from  
410 posttraumatic stress disorder, traumatic brain injury, substance  
411 use disorder, or psychological problems as a result of that  
412 service. The court shall give preference to treatment programs  
413 for which the veteran is eligible through the United States  
414 Department of Veterans Affairs or the Department of Veterans'  
415 Affairs.

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

419 948.08 Pretrial intervention program.—

420 (7) (a) A person who is charged with a felony, other than a

HB 977

2012

421 felony listed in s. 948.06(8)(c), and identified as a member or  
422 former member of the military forces of the United States who  
423 served in a combat theater and who suffers from posttraumatic  
424 stress disorder, traumatic brain injury, substance use disorder,  
425 or psychological problems as a result of that service is  
426 eligible for voluntary admission into a pretrial veterans'  
427 treatment intervention program approved by the chief judge of  
428 the circuit, upon motion of either party or the court's own  
429 motion, except:

430 1. If a defendant was previously offered admission to a  
431 pretrial veterans' treatment intervention program at any time  
432 prior to trial and the defendant rejected that offer on the  
433 record, the court may deny the defendant's admission to such a  
434 program.

435 2. If a defendant previously entered a court-ordered  
436 veterans' treatment program, the court may deny the defendant's  
437 admission into the pretrial veterans' treatment program.

438 3. If the state attorney believes that the facts and  
439 circumstances of the case suggest the defendant's involvement in  
440 the selling of controlled substances, the court shall hold a  
441 preadmission hearing. If the state attorney establishes, by a  
442 preponderance of the evidence at such hearing, that the  
443 defendant was involved in the selling of controlled substances,  
444 the court shall deny the defendant's admission into a pretrial  
445 intervention program.

446 (b) While enrolled in a pretrial intervention program  
447 authorized by this subsection, the participant shall be subject  
448 to a coordinated strategy developed by a veterans' treatment



HB 977

2012

449 intervention team. The coordinated strategy should be modeled  
450 after the therapeutic jurisprudence principles and key  
451 components in s. 397.334(4), with treatment specific to the  
452 needs of veterans. The coordinated strategy may include a  
453 protocol of sanctions that may be imposed upon the participant  
454 for noncompliance with program rules. The protocol of sanctions  
455 may include, but need not be limited to, placement in a  
456 treatment program offered by a licensed service provider or in a  
457 jail-based treatment program or serving a period of  
458 incarceration within the time limits established for contempt of  
459 court. The coordinated strategy must be provided in writing to  
460 the participant before the participant agrees to enter into a  
461 pretrial veterans' treatment intervention program or other  
462 pretrial intervention program. Any person whose charges are  
463 dismissed after successful completion of the pretrial veterans'  
464 treatment intervention program, if otherwise eligible, may have  
465 his or her arrest record and plea of nolo contendere to the  
466 dismissed charges expunged under s. 943.0585.

467 (c) At the end of the pretrial intervention period, the  
468 court shall consider the recommendation of the administrator  
469 pursuant to subsection (5) and the recommendation of the state  
470 attorney as to disposition of the pending charges. The court  
471 shall determine, by written finding, whether the defendant has  
472 successfully completed the pretrial intervention program. If the  
473 court finds that the defendant has not successfully completed  
474 the pretrial intervention program, the court may order the  
475 person to continue in education and treatment, which may include  
476 treatment programs offered by licensed service providers or

HB 977

2012

477 jail-based treatment programs, or order that the charges revert  
478 to normal channels for prosecution. The court shall dismiss the  
479 charges upon a finding that the defendant has successfully  
480 completed the pretrial intervention program.

481 Section 7. Section 948.16, Florida Statutes, is amended to  
482 read:

483 948.16 Misdemeanor pretrial substance abuse education and  
484 treatment intervention program; misdemeanor pretrial veterans'  
485 treatment intervention program.-

486 (1) (a) A person who is charged with a misdemeanor for  
487 possession of a controlled substance or drug paraphernalia under  
488 chapter 893, and who has not previously been convicted of a  
489 felony nor been admitted to a pretrial program, is eligible for  
490 voluntary admission into a misdemeanor pretrial substance abuse  
491 education and treatment intervention program, including a  
492 treatment-based drug court program established pursuant to s.  
493 397.334, approved by the chief judge of the circuit, for a  
494 period based on the program requirements and the treatment plan  
495 for the offender, upon motion of either party or the court's own  
496 motion, except, if the state attorney believes the facts and  
497 circumstances of the case suggest the defendant is involved in  
498 dealing and selling controlled substances, the court shall hold  
499 a preadmission hearing. If the state attorney establishes, by a  
500 preponderance of the evidence at such hearing, that the  
501 defendant was involved in dealing or selling controlled  
502 substances, the court shall deny the defendant's admission into  
503 the pretrial intervention program.

504 (b) While enrolled in a pretrial intervention program

HB 977

2012

505 authorized by this section, the participant is subject to a  
506 coordinated strategy developed by a drug court team under s.  
507 397.334(4). The coordinated strategy may include a protocol of  
508 sanctions that may be imposed upon the participant for  
509 noncompliance with program rules. The protocol of sanctions may  
510 include, but is not limited to, placement in a substance abuse  
511 treatment program offered by a licensed service provider as  
512 defined in s. 397.311 or in a jail-based treatment program or  
513 serving a period of incarceration within the time limits  
514 established for contempt of court. The coordinated strategy must  
515 be provided in writing to the participant before the participant  
516 agrees to enter into a pretrial treatment-based drug court  
517 program or other pretrial intervention program. Any person whose  
518 charges are dismissed after successful completion of the  
519 treatment-based drug court program, if otherwise eligible, may  
520 have his or her arrest record and plea of nolo contendere to the  
521 dismissed charges expunged under s. 943.0585.

522 (2) (a) A member or former member of the military forces of  
523 the United States who served in a combat theater and who suffers  
524 from posttraumatic stress disorder, traumatic brain injury,  
525 substance use disorder, or psychological problems as a result of  
526 that service who is charged with a misdemeanor is eligible for  
527 voluntary admission into a misdemeanor pretrial veterans'  
528 treatment intervention program approved by the chief judge of  
529 the circuit, for a period based on the program requirements and  
530 the treatment plan for the offender, upon motion of either party  
531 or the court's own motion. However, the court may deny the  
532 defendant admission into a misdemeanor pretrial veterans'

HB 977

2012

533 treatment intervention program if the defendant has previously  
534 entered a court-ordered veterans' treatment program.

535 (b) While enrolled in a pretrial intervention program  
536 authorized by this section, the participant shall be subject to  
537 a coordinated strategy developed by a veterans' treatment  
538 intervention team. The coordinated strategy should be modeled  
539 after the therapeutic jurisprudence principles and key  
540 components in s. 397.334(4), with treatment specific to the  
541 needs of veterans. The coordinated strategy may include a  
542 protocol of sanctions that may be imposed upon the participant  
543 for noncompliance with program rules. The protocol of sanctions  
544 may include, but need not be limited to, placement in a  
545 treatment program offered by a licensed service provider or in a  
546 jail-based treatment program or serving a period of  
547 incarceration within the time limits established for contempt of  
548 court. The coordinated strategy must be provided in writing to  
549 the participant before the participant agrees to enter into a  
550 misdemeanor pretrial veterans' treatment intervention program or  
551 other pretrial intervention program. Any person whose charges  
552 are dismissed after successful completion of the misdemeanor  
553 pretrial veterans' treatment intervention program, if otherwise  
554 eligible, may have his or her arrest record and plea of nolo  
555 contendere to the dismissed charges expunged under s. 943.0585.

556 (3) ~~(2)~~ At the end of the pretrial intervention period, the  
557 court shall consider the recommendation of the treatment program  
558 and the recommendation of the state attorney as to disposition  
559 of the pending charges. The court shall determine, by written  
560 finding, whether the defendant successfully completed the

561 pretrial intervention program. Notwithstanding the coordinated  
 562 strategy developed by a drug court team pursuant to s.  
 563 397.334(4) or by the veterans' treatment intervention team, if  
 564 the court finds that the defendant has not successfully  
 565 completed the pretrial intervention program, the court may order  
 566 the person to continue in education and treatment or return the  
 567 charges to the criminal docket for prosecution. The court shall  
 568 dismiss the charges upon finding that the defendant has  
 569 successfully completed the pretrial intervention program.

570 ~~(4)(3)~~ Any public or private entity providing a pretrial  
 571 substance abuse education and treatment program under this  
 572 section shall contract with the county or appropriate  
 573 governmental entity. The terms of the contract shall include,  
 574 but not be limited to, the requirements established for private  
 575 entities under s. 948.15(3). This requirement does not apply to  
 576 services provided by the Department of Veterans' Affairs or the  
 577 United States Department of Veterans Affairs.

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

580 1003.05 Assistance to transitioning students from military  
 581 families.—

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

587 (a) Recognizing the challenges faced by military students  
 588 and the importance of military families to our community and

HB 977

2012

589 economy, the Department of Education shall assist the transition  
590 of these students by improving the timely transfer of records,  
591 developing systems to ease student transition during the first 2  
592 weeks of enrollment, promoting practices which foster access to  
593 extracurricular programs, establishing procedures to lessen the  
594 adverse impact of moves from the end of the junior year as well  
595 as before and during the senior year, encouraging or continuing  
596 partnerships between the military base and the school system,  
597 providing services for transitioning students when applying to  
598 and finding funding for postsecondary study, and providing other  
599 assistance as identified by department, school, and military  
600 personnel.

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

605 Section 9. Section 1004.075, Florida Statutes, is created  
606 to read:

607 1004.075 Priority course registration for veterans.—Each  
608 Florida College System institution and state university that  
609 offers priority course registration for a segment of the student  
610 population, or upon implementation of priority course  
611 registration for a segment of the student population, shall  
612 provide priority course registration for each veteran of the  
613 United States Armed Forces who is receiving GI Bill educational  
614 benefits or for the spouse or dependent children of the veteran  
615 to whom the GI Bill educational benefits have been transferred.  
616 Each eligible veteran, or his or her spouse or dependent

HB 977

2012

617 children, shall be granted priority for course registration  
618 until the expiration of the GI Bill educational benefits.

619 Section 10. Section 1005.09, Florida Statutes, is created  
620 to read:

621 1005.09 Priority course registration for veterans.—Each  
622 independent postsecondary educational institution that is under  
623 the jurisdiction of the commission or is exempt from the  
624 jurisdiction of the commission and that offers priority course  
625 registration for a segment of the student population, or upon  
626 implementation of priority course registration for a segment of  
627 the student population, is encouraged to provide priority course  
628 registration for each veteran of the United States Armed Forces,  
629 or his or her spouse or dependent children, who is receiving GI  
630 Bill educational benefits, in accordance with s. 1004.075.

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

635 1009.21 Determination of resident status for tuition  
636 purposes.—Students shall be classified as residents or  
637 nonresidents for the purpose of assessing tuition in  
638 postsecondary educational programs offered by charter technical  
639 career centers or career centers operated by school districts,  
640 in Florida College System institutions, and in state  
641 universities.

642 (10) The following persons shall be classified as  
643 residents for tuition purposes:

644 (c) Veterans of the Armed Services of the United States,

HB 977

2012

645 including reserve components thereof, who attend the physical  
646 location of a public college, university, or institution of  
647 higher learning within the state.

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

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