

1 A bill to be entitled

2 An act relating to veterans treatment court; amending  
3 s. 394.47891, F.S.; providing legislative intent;  
4 providing definitions; authorizing certain courts to  
5 create and administer veterans treatment courts;  
6 providing eligibility criteria for participation in  
7 the veterans treatment court program; specifying  
8 program implementation procedures, components, and  
9 policies; requiring participant agreements and  
10 specifying requirements for such agreements;  
11 specifying that the act does not create a right to  
12 participate; providing for liberal construction;  
13 deleting provisions addressing the Military Veterans  
14 and Servicemembers Court Program; amending ss. 43.51,  
15 910.035, and 948.06, F.S.; conforming provisions to  
16 changes made by the act; amending ss. 948.08 and  
17 948.16, F.S.; revising eligibility for pretrial  
18 programs; amending s. 948.21, F.S.; providing  
19 discretion for a court to impose conditions in  
20 specified cases; providing applicability; providing an  
21 effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Section 394.47891, Florida Statutes, is amended

26 to read:

27 394.47891 ~~Military Veterans treatment and servicemembers~~  
28 court programs.—

29 (1) LEGISLATIVE INTENT.—It is the intent of the  
30 Legislature to encourage and support the judicial circuits of  
31 the state, and other such agencies, local governments,  
32 interested public or private entities, and individuals to create  
33 and maintain veterans treatment courts in each circuit. The  
34 purpose of a veterans treatment court program is to address the  
35 underlying causes of a veteran's involvement with the judicial  
36 system through the use of specialized dockets, multidisciplinary  
37 teams, and evidence-based treatment. A veterans treatment court  
38 program shall use nonadversarial approaches to resolve such  
39 issues. Veterans treatment courts depend on the leadership of  
40 judges or magistrates who are educated in the issues and science  
41 of veterans' behaviors leading to court involvement and require  
42 a rigorous team effort to detect, discern, and assist veterans  
43 in correcting the behaviors and choices that led to the  
44 veterans' court involvement. This act creates a detailed  
45 statewide standard for the creation, operation, and procedures  
46 for veterans treatment courts.

47 (2) DEFINITIONS.—For purposes of this section, the term:

48 (a) "Defendant" means a veteran or servicemember who has  
49 been charged with or convicted of a criminal offense.

50 (b) "Participant agreement" means the agreement as set

51 forth in subsection (9) and any specific terms and conditions  
52 applicable to the defendant. The term includes any modifications  
53 made to the agreement under subsection (10).

54 (c) "Servicemember" means:

55 1. A member of the active or reserve components of the  
56 United States Army, Navy, Air Force, Marine Corps, or Coast  
57 Guard;

58 2. A member of the Florida National Guard;

59 3. A current or former contractor for the United States  
60 Department of Defense; or

61 4. A current or former military member of a foreign allied  
62 country.

63 (d) "Veteran" means a person who has served in the  
64 military.

65 (e) "Veterans treatment court" means a specialized docket  
66 administered by a court for veterans and servicemembers as set  
67 forth in this section.

68 (3) AUTHORIZATION.—

69 (a) A court with jurisdiction over criminal cases may  
70 create and administer a veterans treatment court.

71 (b) A veterans treatment court may adjudicate misdemeanors  
72 and felonies.

73 (c) The chief judge may issue administrative orders  
74 concerning the veterans treatment court.

75 (d) The chief judge and state attorney of the circuit that

76 creates and administers the veterans treatment court have the  
77 exclusive authority to determine whether veterans who have been  
78 dishonorably discharged may participate in the veterans  
79 treatment court within the circuit.

80 (4) ADMISSION.—A defendant who meets the eligibility  
81 requirements under subsection (8) may be admitted to a veterans  
82 treatment court at any stage of a criminal proceeding. A  
83 defendant seeking to participate in a veterans treatment court  
84 must submit an application to the state attorney. The state  
85 attorney and court must review each application and determine  
86 whether the defendant meets the eligibility requirements in  
87 subsection (8).

88 (5) RECORD OF POLICIES AND PROCEDURES.—

89 (a) Each veterans treatment court shall seek input from  
90 the state attorney and other interested persons in developing  
91 and adopting policies and procedures to implement subsections  
92 (6) and (7).

93 (b) A veterans treatment court shall create a record of  
94 the policies and procedures adopted to implement subsections (6)  
95 and (7).

96 (6) KEY COMPONENTS OF A VETERANS TREATMENT COURT.—

97 (a) A veterans treatment court shall adopt policies and  
98 procedures to implement the following key components, including:

99 1. Integrating substance abuse and mental health treatment  
100 services, and any other related treatment and rehabilitation

101 services with justice system case processing;

102 2. Using a nonadversarial approach in which the state  
103 attorney and defense counsel promote public safety while  
104 protecting the due process rights of the defendant;

105 3. Providing for early identification of eligible  
106 defendants;

107 4. Monitoring defendants for abstinence from alcohol and  
108 drugs by frequent testing;

109 5. Providing ongoing judicial interaction with each  
110 defendant;

111 6. Monitoring and evaluating the achievement of each  
112 defendant's program goals; and

113 7. Forging partnerships among the veterans treatment  
114 courts, the United States Department of Veterans Affairs, the  
115 Florida Department of Veterans' Affairs, public agencies, and  
116 community-based organizations to generate local support and  
117 enhance the effectiveness of the veterans treatment court.

118 (b) In adopting policies and procedures under this  
119 section, the court shall consult nationally recognized best  
120 practices related to the key components of veterans treatment  
121 courts.

122 (7) SUPPLEMENTAL POLICIES AND PROCEDURES OF VETERANS  
123 TREATMENT COURTS.—A veterans treatment court may adopt  
124 supplemental policies and procedures to:

125 (a) Refer a defendant with a medical need to an

126 appropriate health care provider or refer a defendant for  
 127 appropriate assistance, including assistance with housing,  
 128 employment, nutrition, mentoring, education, and driver license  
 129 reinstatement.

130 (b) Otherwise encourage participation in the veterans  
 131 treatment court.

132 (8) ELIGIBILITY.—

133 (a) A defendant may participate in a veterans treatment  
 134 court if:

135 1. The defendant has a mental health condition, traumatic  
 136 brain injury, substance use disorder, or psychological problem;

137 2. The defendant voluntarily agrees to the terms of the  
 138 participant agreement by signing the agreement; and

139 3. The defendant's participation in the veterans treatment  
 140 court is in the interest of justice and of benefit to the  
 141 defendant and the community, as determined by:

142 a. The state attorney, with regard to pretrial diversion;  
 143 and

144 b. The court, with regard to all other matters.

145 (b) In making the determination under subparagraph (a)3.,  
 146 the state attorney and court must consider:

147 1. The nature and circumstances of the offense charged;

148 2. The special characteristics or circumstances of the  
 149 defendant and any victim or alleged victim, including any  
 150 recommendation of the victim or alleged victim;

151       3. The defendant's criminal history and whether the  
152 defendant previously participated in a veterans treatment court  
153 or similar program;

154       4. Whether the defendant's needs exceed the treatment  
155 resources available to the veterans treatment court;

156       5. The impact on the community of the defendant's  
157 participation and treatment in the veterans treatment court;

158       6. Recommendations of any law enforcement agency involved  
159 in investigating or arresting the defendant;

160       7. If the defendant owes restitution, the likelihood of  
161 payment during the defendant's participation in the veterans  
162 treatment court;

163       8. Any mitigating circumstances; and

164       9. Any other circumstances reasonably related to the  
165 defendant's case.

166       (9) PARTICIPANT AGREEMENT.—To participate in a veterans  
167 treatment court, the defendant must sign, and the court must  
168 approve, a participant agreement. If admission to the veterans  
169 treatment court occurs pretrial, the state attorney must sign  
170 the participant agreement.

171       (10) MODIFICATION OR TERMINATION.—If a veterans treatment  
172 court determines after a hearing that a defendant has not  
173 complied with the participant agreement, the court may modify or  
174 revoke the defendant's participation in the program.

175       (11) COMPLETION OF THE PARTICIPANT AGREEMENT.—If a

176 veterans treatment court determines that a defendant has  
177 completed the requirements of the participant agreement, the  
178 court shall dispose of the charge or charges that served as the  
179 basis for participation in the veterans treatment court in  
180 accordance with the participant agreement and any applicable  
181 plea agreement, court order, or judgment.

182 (12) LIBERAL CONSTRUCTION.—The provisions of this section  
183 shall be liberally construed.

184 (13) NO RIGHT TO PARTICIPATE.—This section does not create  
185 a right of a veteran or servicemember to participate in a  
186 veterans treatment court.

187  
188 ~~The chief judge of each judicial circuit may establish a~~  
189 ~~Military Veterans and Servicemembers Court Program under which~~  
190 ~~veterans, as defined in s. 1.01; veterans who were discharged or~~  
191 ~~released under any condition; servicemembers, as defined in s.~~  
192 ~~250.01; individuals who are current or former United States~~  
193 ~~Department of Defense contractors; and individuals who are~~  
194 ~~current or former military members of a foreign allied country,~~  
195 ~~who are charged or convicted of a criminal offense, and who~~  
196 ~~suffer from a military-related mental illness, traumatic brain~~  
197 ~~injury, substance abuse disorder, or psychological problem can~~  
198 ~~be sentenced in accordance with chapter 921 in a manner that~~  
199 ~~appropriately addresses the severity of the mental illness,~~  
200 ~~traumatic brain injury, substance abuse disorder, or~~



201 ~~psychological problem through services tailored to the~~  
202 ~~individual needs of the participant. Entry into any Military~~  
203 ~~Veterans and Servicemembers Court Program must be based upon the~~  
204 ~~sentencing court's assessment of the defendant's criminal~~  
205 ~~history, military service, substance abuse treatment needs,~~  
206 ~~mental health treatment needs, amenability to the services of~~  
207 ~~the program, the recommendation of the state attorney and the~~  
208 ~~victim, if any, and the defendant's agreement to enter the~~  
209 ~~program.~~

210 Section 2. Subsection (2) of section 43.51, Florida  
211 Statutes, is amended to read:

212 43.51 Problem-solving court reports.—

213 (2) For purposes of this section, the term "problem-  
214 solving court" includes, but is not limited to, a drug court  
215 pursuant to s. 397.334, s. 948.01, s. 948.06, s. 948.08, s.  
216 948.16, or s. 948.20; a veterans treatment ~~military veterans'~~  
217 ~~and servicemembers'~~ court pursuant to s. 394.47891, s. 948.08,  
218 s. 948.16, or s. 948.21; a mental health court program pursuant  
219 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;  
220 a community court pursuant to s. 948.081; or a delinquency  
221 pretrial intervention court program pursuant to s. 985.345.

222 Section 3. Paragraph (a) of subsection (5) of section  
223 910.035, Florida Statutes, is amended to read:

224 910.035 Transfer from county for plea, sentence, or  
225 participation in a problem-solving court.—

226 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING  
 227 COURT.—

228 (a) For purposes of this subsection, the term "problem-  
 229 solving court" means a drug court pursuant to s. 948.01, s.  
 230 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment  
 231 ~~military veterans' and servicemembers'~~ court pursuant to s.  
 232 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health  
 233 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.  
 234 948.08, or s. 948.16; or a delinquency pretrial intervention  
 235 court program pursuant to s. 985.345.

236 Section 4. Paragraph (k) of subsection (2) of section  
 237 948.06, Florida Statutes, is amended to read:

238 948.06 Violation of probation or community control;  
 239 revocation; modification; continuance; failure to pay  
 240 restitution or cost of supervision.—

241 (2)

242 (k)1. Notwithstanding s. 921.0024 and effective for  
 243 offenses committed on or after July 1, 2016, the court may order  
 244 the offender to successfully complete a postadjudicatory mental  
 245 health court program under s. 394.47892 or a veterans treatment  
 246 ~~military veterans and servicemembers~~ court program under s.  
 247 394.47891 if:

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

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

251 in this subsection, the term "nonviolent felony" means a third  
252 degree felony violation under chapter 810 or any other felony  
253 offense that is not a forcible felony as defined in s. 776.08.  
254 Offenders charged with resisting an officer with violence under  
255 s. 843.01, battery on a law enforcement officer under s. 784.07,  
256 or aggravated assault may participate in the mental health court  
257 program if the court so orders after the victim is given his or  
258 her right to provide testimony or written statement to the court  
259 as provided in s. 921.143;

260 c. The court determines that the offender is amenable to  
261 the services of a postadjudicatory mental health court program,  
262 including taking prescribed medications, or a veterans treatment  
263 ~~military veterans and servicemembers~~ court program;

264 d. The court explains the purpose of the program to the  
265 offender and the offender agrees to participate; and

266 e. The offender is otherwise qualified to participate in a  
267 postadjudicatory mental health court program under s.  
268 394.47892(4) or a veterans treatment ~~military veterans and~~  
269 ~~servicemembers~~ court program under s. 394.47891.

270 2. After the court orders the modification of community  
271 control or probation, the original sentencing court shall  
272 relinquish jurisdiction of the offender's case to the  
273 postadjudicatory mental health court program or the veterans  
274 treatment court until the offender is no longer active in the  
275 program, the case is returned to the sentencing court due to the

276 offender's termination from the program for failure to comply  
277 with the terms thereof, or the offender's sentence is completed.

278 Section 5. Paragraph (a) of subsection (7) of section  
279 948.08, Florida Statutes, is amended to read:

280 948.08 Pretrial intervention program.—

281 (7) (a) Notwithstanding any provision of this section, a  
282 person who is charged with a felony, other than a felony listed  
283 in s. 948.06(8)(c), and who is identified as a veteran or a  
284 servicemember, as defined in s. 394.47891, and is otherwise  
285 qualified to participate in a veterans treatment court under s.  
286 394.47891, s. 1.01; a veteran who is discharged or released  
287 under any condition; a servicemember, as defined in s. 250.01;  
288 an individual who is a current or former United States  
289 Department of Defense contractor; or an individual who is a  
290 current or former military member of a foreign allied country,  
291 who suffers from a military service-related mental illness,  
292 traumatic brain injury, substance abuse disorder, or  
293 psychological problem is eligible for voluntary admission into a  
294 pretrial veterans' treatment intervention program approved by  
295 the chief judge of the circuit, upon motion of either party or  
296 the court's own motion, except:

297 1. If a defendant was previously offered admission to a  
298 pretrial veterans' treatment intervention program at any time  
299 before trial and the defendant rejected that offer on the  
300 record, the court may deny the defendant's admission to such a

301 program.

302 2. If a defendant previously entered a court-ordered  
303 veterans' treatment program, the court may deny the defendant's  
304 admission into the pretrial veterans' treatment program.

305 Section 6. Paragraph (a) of subsection (2) of section  
306 948.16, Florida Statutes, is amended to read:

307 948.16 Misdemeanor pretrial substance abuse education and  
308 treatment intervention program; misdemeanor pretrial veterans'  
309 treatment intervention program; misdemeanor pretrial mental  
310 health court program.—

311 (2) (a) A veteran or a servicemember, as defined in s.  
312 394.47891, who is otherwise qualified to participate in a  
313 veterans treatment court under that section s. 1.01; ~~a veteran~~  
314 ~~who is discharged or released under any condition; a~~  
315 ~~servicemember, as defined in s. 250.01; an individual who is a~~  
316 ~~current or former United States Department of Defense~~  
317 ~~contractor; or an individual who is a current or former military~~  
318 ~~member of a foreign allied country, who suffers from a military~~  
319 ~~service-related mental illness, traumatic brain injury,~~  
320 ~~substance abuse disorder, or psychological problem,~~ and who is  
321 charged with a misdemeanor is eligible for voluntary admission  
322 into a misdemeanor pretrial veterans' treatment intervention  
323 program approved by the chief judge of the circuit, for a period  
324 based on the program's requirements and the treatment plan for  
325 the offender, upon motion of either party or the court's own

326 motion. However, the court may deny the defendant admission into  
327 a misdemeanor pretrial veterans' treatment intervention program  
328 if the defendant has previously entered a court-ordered  
329 veterans' treatment program.

330 Section 7. Subsection (4) of section 948.21, Florida  
331 Statutes, is renumbered as subsection (5), and a new subsection  
332 (4) is added to that section, to read:

333 948.21 Condition of probation or community control;  
334 military servicemembers and veterans.—

335 (4) Effective for a probationer or community controllee  
336 whose crime is committed on or after July 1, 2020; who is a  
337 veteran or a servicemember as defined in s. 394.47891; and who  
338 is otherwise qualified to participate in a veterans treatment  
339 court under s. 394.47891, the court may, in addition to any  
340 other conditions imposed, impose a condition requiring the  
341 probationer or community controllee to participate in a  
342 treatment program capable of treating the probationer or  
343 community controllee's mental illness, traumatic brain injury,  
344 substance abuse disorder, or psychological problem.

345 Section 8. A Military Veterans and Servicemembers Court  
346 Program in operation under s. 394.47891, Florida Statutes on or  
347 before June 30, 2020, may continue to operate but must comply  
348 with the amendments made by this act to that section. This act  
349 does not affect or alter the rights or responsibilities of any  
350 person who, on or before June 30, 2020, was admitted to and

351 participating in a Military Veterans and Servicemembers Court  
352 Program established under s. 394.47891, Florida Statutes.

353 Section 9. This act shall take effect July 1, 2020.