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576-04139-20

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to veterans treatment courts; amending s. 394.47891, F.S.; providing legislative intent; providing definitions; authorizing the establishment of veterans treatment courts by the chief judge of a judicial circuit; specifying standards for admission into the program; specifying required components and policies for the program; specifying eligibility requirements for participation in the program; providing factors that a court must consider in determining a defendant's eligibility to participate; requiring participant agreements and specifying requirements for such agreements; providing for construction; specifying that the act does not create a right to participate in the program; amending ss. 43.51, 910.035, 948.06, 948.08, and 948.16, F.S.; conforming provisions to changes made by the act; amending s. 948.21, F.S.; authorizing a court to impose a condition requiring a probationer or community controllee who is eligible to participate in a veterans treatment court to participate in certain treatment programs under certain circumstances; specifying applicability of the act to participants in certain court programs in existence as of a specified date; providing an effective date.

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



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Section 1. Section 394.47891, Florida Statutes, is amended to read:

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

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

(a) "Defendant" means a veteran, a servicemember, a current or former member of any state National Guard, a current or former contractor for the United States Department of Defense, or a current or former military member of a foreign allied country, who has been charged with or convicted of a criminal



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57 offense.

58 (b) "Participant agreement" means the agreement as set
59 forth in subsection (9) and any specific terms and conditions
60 applicable to the defendant. The term includes any modifications
61 made to the agreement under subsection (10).

62 (c) "Servicemember" means a servicemember as defined in s.
63 250.01.

64 (d) "Veteran" means a veteran as defined in s. 1.01(14),
65 regardless of the discharge or release condition of the veteran.

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

69 (3) AUTHORIZATION.—The chief judge of each judicial circuit
70 may establish a veterans treatment court.

71 (4) ADMISSION.—A defendant who meets the eligibility
72 requirements under subsection (8) may be admitted to a veterans
73 treatment court at any stage of a criminal proceeding.

74 (5) RECORD OF POLICIES AND PROCEDURES.—A veterans treatment
75 court shall create a record of the policies and procedures
76 adopted to implement subsections (6) and (7).

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

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

80 1. Integrating substance abuse and mental health treatment
81 services and any other related treatment and rehabilitation
82 services with justice system case processing;

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



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86 3. Providing early identification of eligible defendants;

87 4. Monitoring defendants for abstinence from alcohol and
88 drugs by frequent testing;

89 5. Providing ongoing judicial interaction with each
90 defendant;

91 6. Monitoring and evaluating the achievement of each
92 defendant's program goals; and

93 7. Forging partnerships among the veterans treatment
94 courts, the United States Department of Veterans Affairs, the
95 Florida Department of Veterans' Affairs, public agencies, and
96 community-based organizations to generate local support and
97 enhance the effectiveness of the veterans treatment court.

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

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

104 (a) Refer a defendant with a medical need to an appropriate
105 health care provider or refer a defendant for other appropriate
106 assistance, including assistance with housing, employment,
107 nutrition, mentoring, and education.

108 (b) Otherwise encourage participation in the veterans
109 treatment court.

110 (8) ELIGIBILITY.—

111 (a) A defendant may participate in a veterans treatment
112 court if:

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



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115 2. The defendant voluntarily agrees to the terms of the
116 participation agreement by signing the agreement; and

117 3. The defendant's participation in the veterans treatment
118 court is in the interests of justice, the defendant, and the
119 community, as determined by the court.

120 (b) In making the determination under subparagraph (a)3.,
121 the court must consider:

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

123 2. The recommendation of the state attorney;

124 3. The special characteristics or circumstances of the
125 defendant and any victim or alleged victim, including any
126 recommendation of the victim or alleged victim;

127 4. The defendant's criminal history and whether the
128 defendant previously participated in a veterans treatment court
129 or similar program;

130 5. Whether the defendant's needs exceed the treatment
131 resources available through the veterans treatment court;

132 6. The impact on the community of the defendant's
133 participation and treatment in the veterans treatment court;

134 7. Recommendations of any law enforcement agency involved
135 in investigating or arresting the defendant;

136 8. If the defendant owes restitution, the likelihood of
137 payment during the defendant's participation in the veterans
138 treatment court;

139 9. Any mitigating circumstances; and

140 10. Any other circumstances reasonably related to the
141 defendant's case.

142 (9) PARTICIPANT AGREEMENT.—To participate in a veterans
143 treatment court, the defendant must sign, and the court must



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144 approve, a participant agreement.

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

149 (11) COMPLETION OF THE PARTICIPANT AGREEMENT.—If a veterans
150 treatment court determines that a defendant has completed the
151 requirements of the participant agreement, the court shall
152 dispose of the charge or charges that served as the basis of
153 participation in the veterans treatment court in accordance with
154 the participant agreement and any applicable plea agreement,
155 court order, or judgment.

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

158 (13) NO RIGHT TO PARTICIPATE.—This section does not create
159 a right of a veteran or servicemember to participate in a
160 veterans treatment court ~~The chief judge of each judicial~~
161 ~~circuit may establish a Military Veterans and Servicemembers~~
162 ~~Court Program under which veterans, as defined in s. 1.01;~~
163 ~~veterans who were discharged or released under any condition;~~
164 ~~servicemembers, as defined in s. 250.01; individuals who are~~
165 ~~current or former United States Department of Defense~~
166 ~~contractors; and individuals who are current or former military~~
167 ~~members of a foreign allied country, who are charged or~~
168 ~~convicted of a criminal offense, and who suffer from a military-~~
169 ~~related mental illness, traumatic brain injury, substance abuse~~
170 ~~disorder, or psychological problem can be sentenced in~~
171 ~~accordance with chapter 921 in a manner that appropriately~~
172 ~~addresses the severity of the mental illness, traumatic brain~~



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173 ~~injury, substance abuse disorder, or psychological problem~~
174 ~~through services tailored to the individual needs of the~~
175 ~~participant. Entry into any Military Veterans and Servicemembers~~
176 ~~Court Program must be based upon the sentencing court's~~
177 ~~assessment of the defendant's criminal history, military~~
178 ~~service, substance abuse treatment needs, mental health~~
179 ~~treatment needs, amenability to the services of the program, the~~
180 ~~recommendation of the state attorney and the victim, if any, and~~
181 ~~the defendant's agreement to enter the program.~~

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

184 43.51 Problem-solving court reports.—

185 (2) For purposes of this section, the term "problem-solving
186 court" includes, but is not limited to, a drug court pursuant to
187 s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s.
188 948.20; a veterans treatment ~~military veterans' and~~
189 ~~servicemembers'~~ court pursuant to s. 394.47891, s. 948.08, s.
190 948.16, or s. 948.21; a mental health court program pursuant to
191 s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; a
192 community court pursuant to s. 948.081; or a delinquency
193 pretrial intervention court program pursuant to s. 985.345.

194 Section 3. Paragraph (a) of subsection (5) of section
195 910.035, Florida Statutes, is amended to read:

196 910.035 Transfer from county for plea, sentence, or
197 participation in a problem-solving court.—

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

199 (a) For purposes of this subsection, the term "problem-
200 solving court" means a drug court pursuant to s. 948.01, s.
201 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment



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202 ~~military veterans' and servicemembers'~~ court pursuant to s.
203 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health
204 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.
205 948.08, or s. 948.16; or a delinquency pretrial intervention
206 court program pursuant to s. 985.345.

207 Section 4. Paragraph (k) of subsection (2) of section
208 948.06, Florida Statutes, is amended to read:

209 948.06 Violation of probation or community control;
210 revocation; modification; continuance; failure to pay
211 restitution or cost of supervision.—

212 (2)

213 (k)1. Notwithstanding s. 921.0024 and effective for
214 offenses committed on or after July 1, 2016, the court may order
215 the offender to successfully complete a postadjudicatory mental
216 health court program under s. 394.47892 or a veterans treatment
217 ~~military veterans and servicemembers~~ court program under s.
218 394.47891 if:

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

221 b. The underlying offense is a nonviolent felony. As used
222 in this subsection, the term "nonviolent felony" means a third
223 degree felony violation under chapter 810 or any other felony
224 offense that is not a forcible felony as defined in s. 776.08.
225 Offenders charged with resisting an officer with violence under
226 s. 843.01, battery on a law enforcement officer under s. 784.07,
227 or aggravated assault may participate in the mental health court
228 program if the court so orders after the victim is given his or
229 her right to provide testimony or written statement to the court
230 as provided in s. 921.143;



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231 c. The court determines that the offender is amenable to
232 the services of a postadjudicatory mental health court program,
233 including taking prescribed medications, or a veterans treatment
234 ~~military veterans and servicemembers~~ court program;

235 d. The court explains the purpose of the program to the
236 offender and the offender agrees to participate; and

237 e. The offender is otherwise qualified to participate in a
238 postadjudicatory mental health court program under s.
239 394.47892(4) or a veterans treatment ~~military veterans and~~
240 ~~servicemembers~~ court program under s. 394.47891.

241 2. After the court orders the modification of community
242 control or probation, the original sentencing court shall
243 relinquish jurisdiction of the offender's case to the
244 postadjudicatory mental health court program until the offender
245 is no longer active in the program, the case is returned to the
246 sentencing court due to the offender's termination from the
247 program for failure to comply with the terms thereof, or the
248 offender's sentence is completed.

249 Section 5. Paragraph (a) of subsection (7) of section
250 948.08, Florida Statutes, is amended to read:

251 948.08 Pretrial intervention program.—

252 (7) (a) Notwithstanding any provision of this section, a
253 person who is charged with a felony, other than a felony listed
254 in s. 948.06(8)(c), and who is identified as a veteran or a
255 servicemember, as defined in s. 394.47891, and is otherwise
256 qualified to participate in a veterans treatment court under s.
257 394.47891 s. 1.01; a veteran who is discharged or released under
258 any condition; a servicemember, as defined in s. 250.01; an
259 individual who is a current or former United States Department



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260 ~~of Defense contractor; or an individual who is a current or~~
261 ~~former military member of a foreign allied country, who suffers~~
262 ~~from a military service related mental illness, traumatic brain~~
263 ~~injury, substance abuse disorder, or psychological problem is~~
264 eligible for voluntary admission into a pretrial veterans'
265 treatment intervention program approved by the chief judge of
266 the circuit, upon motion of either party or the court's own
267 motion, except:

268 1. If a defendant was previously offered admission to a
269 pretrial veterans' treatment intervention program at any time
270 before trial and the defendant rejected that offer on the
271 record, the court may deny the defendant's admission to such a
272 program.

273 2. If a defendant previously entered a court-ordered
274 veterans' treatment program, the court may deny the defendant's
275 admission into the pretrial veterans' treatment program.

276 Section 6. Paragraph (a) of subsection (2) of section
277 948.16, Florida Statutes, is amended to read:

278 948.16 Misdemeanor pretrial substance abuse education and
279 treatment intervention program; misdemeanor pretrial veterans'
280 treatment intervention program; misdemeanor pretrial mental
281 health court program.—

282 (2) (a) A veteran or a servicemember, as defined in s.
283 394.47891, who is otherwise qualified to participate in a
284 veterans treatment court under that section s. 1.01; ~~a veteran~~
285 ~~who is discharged or released under any condition; a~~
286 ~~servicemember, as defined in s. 250.01; an individual who is a~~
287 ~~current or former United States Department of Defense~~
288 ~~contractor; or an individual who is a current or former military~~



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289 ~~member of a foreign allied country, who suffers from a military~~
290 ~~service-related mental illness, traumatic brain injury,~~
291 ~~substance abuse disorder, or psychological problem,~~ and who is
292 charged with a misdemeanor is eligible for voluntary admission
293 into a misdemeanor pretrial veterans' treatment intervention
294 program approved by the chief judge of the circuit, for a period
295 based on the program's requirements and the treatment plan for
296 the offender, upon motion of either party or the court's own
297 motion. However, the court may deny the defendant admission into
298 a misdemeanor pretrial veterans' treatment intervention program
299 if the defendant has previously entered a court-ordered
300 veterans' treatment program.

301 Section 7. Present subsection (4) of section 948.21,
302 Florida Statutes, is renumbered as subsection (5), and a new
303 subsection (4) is added to that section, to read:

304 948.21 Condition of probation or community control;
305 military servicemembers and veterans.-

306 (4) Effective for a probationer or community controllee
307 whose crime is committed on or after July 1, 2020, and is a
308 veteran or a servicemember, as defined in s. 394.47891, who is
309 otherwise qualified to participate in a veterans treatment court
310 under s. 394.47891, the court may, in addition to any other
311 conditions imposed, impose a condition requiring the probationer
312 or community controllee to participate in a treatment program
313 capable of treating the probationer or community controllee's
314 mental illness, traumatic brain injury, substance use disorder,
315 or psychological problem.

316 Section 8. A Military Veterans and Servicemembers Court
317 Program in operation under s. 394.47891, Florida Statutes, as of



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318 June 30, 2020, may continue to operate, but the provisions of
319 this act shall apply only prospectively to new cases on and
320 after the effective date of this act. This act does not affect
321 or alter the rights or responsibilities of any person who, as of
322 June 30, 2020, was admitted to and participating in a Military
323 Veterans and Servicemembers Court Program established under s.
324 394.47891, Florida Statutes.

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