

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Byrd offered the following:

3
4 **Amendment**

5 Remove lines 59-339 and insert:

6 (b) "Military sexual trauma" means psychological trauma
7 that results from a physical assault of a sexual nature, battery
8 of a sexual nature, or sexual harassment which occurred while
9 the servicemember or veteran was serving on active duty, active
10 duty for training, or inactive duty training.

11 (c) "Servicemember" means:

12 1. A member of the active or reserve components of the
13 United States Army, Navy, Air Force, Marine Corps, Space Force,
14 or Coast Guard;

15 2. A member of the Florida National Guard;

16 3. A current or former contractor for the United States

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17 Department of Defense; or

18 4. A current or former military member of a foreign allied
19 country.

20 (d) "Veteran" means a person who has served in the
21 military.

22 (e) "Veterans treatment court program" means a specialized
23 docket administered by a court for veterans and servicemembers
24 as set forth in this section.

25 (3) AUTHORIZATION.—

26 (a) A court with jurisdiction over criminal cases may
27 create and administer a veterans treatment court program.

28 (b) A veterans treatment court program may adjudicate
29 misdemeanors and felonies.

30 (c) The chief judge may issue administrative orders
31 concerning the veterans treatment court program.

32 (d) The chief judge and state attorney of the judicial
33 circuit that creates and administers a veterans treatment court
34 program have the exclusive authority to determine whether
35 veterans who have been dishonorably discharged may participate
36 in the veterans treatment court program within the circuit.

37 (4) ADMISSION.—A defendant who meets the eligibility
38 requirements under subsection (8) may be admitted to a veterans
39 treatment court program at any stage of a criminal proceeding. A
40 defendant seeking to participate in a veterans treatment court
41 program must submit an application to the state attorney. The

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42 state attorney must review each application and determine
43 whether the defendant meets the eligibility requirements in
44 subsection (8).

45 (5) RECORD OF POLICIES AND PROCEDURES.—

46 (a) Each veterans treatment court program shall seek input
47 from the state attorney and other interested persons in
48 developing and adopting policies and procedures to implement
49 subsections (6) and (7).

50 (b) A veterans treatment court program shall create a
51 record of the policies and procedures adopted to implement
52 subsections (6) and (7).

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

54 (a) A veterans treatment court program shall adopt
55 policies and procedures to implement the following key
56 components, including:

57 1. Integrating substance abuse and mental health treatment
58 services, and any other related treatment and rehabilitation
59 services with justice system case processing.

60 2. Using a nonadversarial approach in which the state
61 attorney and defense counsel promote public safety while
62 protecting the due process rights of the defendant.

63 3. Providing for early identification of eligible
64 defendants.

65 4. Monitoring defendants for abstinence from alcohol and
66 drugs by frequent testing.

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67 5. Providing ongoing judicial interaction with each
68 defendant.

69 6. Monitoring and evaluating the achievement of each
70 defendant's program goals.

71 7. Forging partnerships among the veterans treatment court
72 programs, the United States Department of Veterans Affairs, the
73 Florida Department of Veterans' Affairs, public agencies, and
74 community-based organizations to generate local support and
75 enhance the effectiveness of the veterans treatment court
76 program.

77 (b) In adopting policies and procedures under this
78 section, the court shall consult nationally recognized best
79 practices related to the key components of veterans treatment
80 court programs.

81 (7) SUPPLEMENTAL POLICIES AND PROCEDURES OF VETERANS
82 TREATMENT COURT PROGRAMS.—A veterans treatment court program may
83 adopt supplemental policies and procedures to:

84 (a) Refer a defendant with a medical need to an
85 appropriate health care provider or refer a defendant for
86 appropriate assistance, including assistance with housing,
87 employment, nutrition, mentoring, education, and driver license
88 reinstatement.

89 (b) Otherwise encourage participation in the veterans
90 treatment court program.

91 (8) ELIGIBILITY.—

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92 (a) A defendant may participate in a veterans treatment
93 court program if he or she is approved by the state attorney, in
94 consultation with the court, and meets the following criteria:

95 1. The defendant has a service-related mental health
96 condition, service-related traumatic brain injury, service-
97 related substance use disorder, service-related psychological
98 problem, or has experienced military sexual trauma.

99 2. The defendant's participation in the veterans treatment
100 court program is in the interest of justice and of benefit to
101 the defendant and the community.

102 (b) In making the determination under subparagraph (a)2.,
103 the state attorney, in consultation with the court, must
104 consider:

105 1. The nature and circumstances of the offense charged.

106 2. The special characteristics or circumstances of the
107 defendant and any victim or alleged victim, including any
108 recommendation of the victim or alleged victim.

109 3. The defendant's criminal history and whether the
110 defendant previously participated in a veterans treatment court
111 program or similar program.

112 4. Whether the defendant's needs exceed the treatment
113 resources available to the veterans treatment court program.

114 5. The impact on the community of the defendant's
115 participation and treatment in the veterans treatment court
116 program.

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117 6. Recommendations of any law enforcement agency involved
118 in investigating or arresting the defendant.

119 7. If the defendant owes restitution, the likelihood of
120 payment during the defendant's participation in the veterans
121 treatment court program.

122 8. Any mitigating circumstances.

123 9. Any other circumstances reasonably related to the
124 defendant's case.

125 (9) LIBERAL CONSTRUCTION.-The provisions of this section
126 shall be liberally construed.

127 (10) NO RIGHT TO PARTICIPATE.-This section does not create
128 a right of a veteran or servicemember to participate in a
129 veterans treatment court program ~~The chief judge of each~~
130 ~~judicial circuit may establish a Military Veterans and~~
131 ~~Servicemembers Court Program under which veterans, as defined in~~
132 ~~s. 1.01; veterans who were discharged or released under any~~
133 ~~condition; servicemembers, as defined in s. 250.01; individuals~~
134 ~~who are current or former United States Department of Defense~~
135 ~~contractors; and individuals who are current or former military~~
136 ~~members of a foreign allied country, who are charged or~~
137 ~~convicted of a criminal offense, and who suffer from a military-~~
138 ~~related mental illness, traumatic brain injury, substance abuse~~
139 ~~disorder, or psychological problem can be sentenced in~~
140 ~~accordance with chapter 921 in a manner that appropriately~~
141 ~~addresses the severity of the mental illness, traumatic brain~~

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142 ~~injury, substance abuse disorder, or psychological problem~~
143 ~~through services tailored to the individual needs of the~~
144 ~~participant. Entry into any Military Veterans and Servicemembers~~
145 ~~Court Program must be based upon the sentencing court's~~
146 ~~assessment of the defendant's criminal history, military~~
147 ~~service, substance abuse treatment needs, mental health~~
148 ~~treatment needs, amenability to the services of the program, the~~
149 ~~recommendation of the state attorney and the victim, if any, and~~
150 ~~the defendant's agreement to enter the program.~~

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

153 43.51 Problem-solving court reports.—

154 (2) For purposes of this section, the term "problem-
155 solving court" includes, but is not limited to, a drug court
156 pursuant to s. 397.334, s. 948.01, s. 948.06, s. 948.08, s.
157 948.16, or s. 948.20; a veterans treatment ~~military veterans'~~
158 ~~and servicemembers'~~ court program pursuant to s. 394.47891, s.
159 948.08, s. 948.16, or s. 948.21; a mental health court program
160 pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s.
161 948.16; a community court pursuant to s. 948.081; or a
162 delinquency pretrial intervention court program pursuant to s.
163 985.345.

164 Section 3. Paragraph (a) of subsection (5) of section
165 910.035, Florida Statutes, is amended to read:

166 910.035 Transfer from county for plea, sentence, or

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167 participation in a problem-solving court.-

168 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING
169 COURT.-

170 (a) For purposes of this subsection, the term "problem-
171 solving court" means a drug court pursuant to s. 948.01, s.
172 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment
173 ~~military veterans' and servicemembers'~~ court program pursuant to
174 s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental
175 health court program pursuant to s. 394.47892, s. 948.01, s.
176 948.06, s. 948.08, or s. 948.16; or a delinquency pretrial
177 intervention court program pursuant to s. 985.345.

178 Section 4. Paragraph (k) of subsection (2) of section
179 948.06, Florida Statutes, is amended to read:

180 948.06 Violation of probation or community control;
181 revocation; modification; continuance; failure to pay
182 restitution or cost of supervision.-

183 (2)

184 (k)1. Notwithstanding s. 921.0024 and effective for
185 offenses committed on or after July 1, 2016, the court may order
186 the offender to successfully complete a postadjudicatory mental
187 health court program under s. 394.47892 or a veterans treatment
188 ~~military veterans and servicemembers~~ court program under s.
189 394.47891 if:

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

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192 b. The underlying offense is a nonviolent felony. As used
193 in this subsection, the term "nonviolent felony" means a third
194 degree felony violation under chapter 810 or any other felony
195 offense that is not a forcible felony as defined in s. 776.08.
196 Offenders charged with resisting an officer with violence under
197 s. 843.01, battery on a law enforcement officer under s. 784.07,
198 or aggravated assault may participate in the mental health court
199 program if the court so orders after the victim is given his or
200 her right to provide testimony or written statement to the court
201 as provided in s. 921.143;

202 c. The court determines that the offender is amenable to
203 the services of a postadjudicatory mental health court program,
204 including taking prescribed medications, or a veterans treatment
205 ~~military veterans and servicemembers~~ court program;

206 d. The court explains the purpose of the program to the
207 offender and the offender agrees to participate; and

208 e. The offender is otherwise qualified to participate in a
209 postadjudicatory mental health court program under s.
210 394.47892(4) or a veterans treatment ~~military veterans and~~
211 ~~servicemembers~~ court program under s. 394.47891.

212 2. After the court orders the modification of community
213 control or probation, the original sentencing court shall
214 relinquish jurisdiction of the offender's case to the
215 postadjudicatory mental health court program or the veterans
216 treatment court program until the offender is no longer active

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217 in the program, the case is returned to the sentencing court due
218 to the offender's termination from the program for failure to
219 comply with the terms thereof, or the offender's sentence is
220 completed.

221 Section 5. Paragraph (a) of subsection (7) of section
222 948.08, Florida Statutes, is amended to read:

223 948.08 Pretrial intervention program.—

224 (7) (a) ~~Notwithstanding any provision of this section, A~~
225 ~~person who is charged with a felony, other than a felony listed~~
226 ~~in s. 948.06(8) (c), and who is identified as a veteran or a~~
227 ~~servicemember, as defined in s. 394.47891, and is otherwise~~
228 ~~qualified to participate in a veterans treatment court program~~
229 ~~under s. 394.47891 s. 1.01; a veteran who is discharged or~~
230 ~~released under any condition; a servicemember, as defined in s.~~
231 ~~250.01; an individual who is a current or former United States~~
232 ~~Department of Defense contractor; or an individual who is a~~
233 ~~current or former military member of a foreign allied country,~~
234 ~~who suffers from a military service related mental illness,~~
235 ~~traumatic brain injury, substance abuse disorder, or~~
236 ~~psychological problem is eligible for voluntary admission into a~~
237 ~~veterans treatment court program pursuant to the requirements of~~
238 ~~s. 394.47891(4) and (8).~~ ~~pretrial veterans' treatment~~
239 ~~intervention program approved by the chief judge of the circuit,~~
240 ~~upon motion of either party or the court's own motion, except:~~
241 1. ~~If a defendant was previously offered admission to a~~

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242 ~~pretrial veterans' treatment intervention program at any time~~
243 ~~before trial and the defendant rejected that offer on the~~
244 ~~record, the court may deny the defendant's admission to such a~~
245 ~~program.~~

246 ~~2. If a defendant previously entered a court ordered~~
247 ~~veterans' treatment program, the court may deny the defendant's~~
248 ~~admission into the pretrial veterans' treatment program.~~

249 Section 6. Paragraph (a) of subsection (2) of section
250 948.16, Florida Statutes, is amended to read:

251 948.16 Misdemeanor pretrial substance abuse education and
252 treatment intervention program; misdemeanor pretrial veterans'
253 treatment intervention program; misdemeanor pretrial mental
254 health court program.-

255 (2) (a) A veteran or a servicemember, as defined in s.
256 394.47891, who is otherwise qualified to participate in a
257 veterans treatment court program under s. 394.47891 s. 1.01; a
258 veteran who is discharged or released under any condition; a
259 servicemember, as defined in s. 250.01; an individual who is a
260 current or former United States Department of Defense
261 contractor; or an individual who is a current or former military
262 member of a foreign allied country, who suffers from a military
263 service-related mental illness, traumatic brain injury,
264 substance abuse disorder, or psychological problem, and who is
265 charged with a misdemeanor is eligible for voluntary admission
266 into a misdemeanor veterans treatment court program pretrial

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267 ~~veterans' treatment intervention program approved by the chief~~
268 ~~judge of the circuit, for a period based on the program's~~
269 ~~requirements and the treatment plan for the offender, pursuant~~
270 ~~to the requirements of s. 394.47891(4) and (8) upon motion of~~
271 ~~either party or the court's own motion. However, the court may~~
272 ~~deny the defendant admission into a misdemeanor pretrial~~
273 ~~veterans' treatment intervention program if the defendant has~~
274 ~~previously entered a court-ordered veterans' treatment program.~~

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

278 948.21 Condition of probation or community control;
279 military servicemembers and veterans.-

280 (4) Effective for a probationer or community controllee
281 whose crime is committed on or after July 1, 2021, who is a
282 veteran or a servicemember as defined in s. 394.47891, and who
283 is otherwise qualified to participate in a veterans treatment
284 court program under s. 394.47891, the court may, in addition to
285 any other conditions imposed, impose a condition requiring the
286 probationer or community controllee to participate in a
287 treatment program capable of treating the probationer or
288 community controllee's service-related mental illness, service-
289 related traumatic brain injury, service-related substance abuse
290 disorder, service-related psychological problem, or military
291 sexual trauma as defined in s. 394.47891.