

1 A bill to be entitled
2 An act relating to veterans treatment court programs;
3 amending s. 394.47891, F.S.; providing legislative
4 intent; providing definitions; authorizing certain
5 courts to create and administer veterans treatment
6 court programs; authorizing certain eligible
7 defendants to be admitted to a veterans treatment
8 court program at any stage of a criminal proceeding;
9 requiring such defendants to submit an application for
10 participation in a veterans treatment court program to
11 the state attorney for review; requiring each veterans
12 treatment court program to seek input from certain
13 persons in developing and adopting certain policies
14 and procedures; requiring that a court create a record
15 of such policies and procedures; providing eligibility
16 criteria for participation in the veterans treatment
17 court program; providing that the act does not create
18 a right to participate; providing for liberal
19 construction; deleting provisions addressing the
20 Military Veterans and Servicemembers Court Program;
21 amending ss. 43.51, 910.035, and 948.06, F.S.;
22 conforming provisions to changes made by the act;
23 amending ss. 948.08 and 948.16, F.S.; revising
24 eligibility for pretrial programs; amending s. 948.21,
25 F.S.; authorizing a court to impose a condition

26 requiring certain probationers or community
 27 controllees to participate in certain treatment
 28 programs under certain circumstances; providing
 29 applicability; providing an effective date.

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

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 agencies, local governments, interested
public and private entities, and individuals to create and
maintain a veterans treatment court program in each judicial
circuit. The purpose of a veterans treatment court program is to
address the underlying causes of a 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 underlying causes. Veterans treatment
court programs depend on the leadership of attorneys and judges
or magistrates who are educated in the issues and science of
veterans' behaviors leading to court involvement and require a

51 rigorous team effort to detect, discern, and assist veterans in
52 correcting the behaviors and choices that lead to the veterans'
53 court involvement. This section creates a detailed statewide
54 standard for the creation, operation, and procedures for
55 veterans treatment court programs.

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

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

59 (b) "Servicemember" means:

60 1. A member of the active or reserve components of the
61 United States Army, Navy, Air Force, Marine Corps, Space Force,
62 or Coast Guard;

63 2. A member of the Florida National Guard;

64 3. A current or former contractor for the United States
65 Department of Defense; or

66 4. A current or former military member of a foreign allied
67 country.

68 (c) "Veteran" means a person who has served in the
69 military.

70 (d) "Veterans treatment court program" means a specialized
71 docket administered by a court for veterans and servicemembers
72 as set forth in this section.

73 (3) AUTHORIZATION.—

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

76 (b) A veterans treatment court program may adjudicate
77 misdemeanors and felonies.

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

80 (d) The chief judge and state attorney of the judicial
81 circuit that creates and administers a veterans treatment court
82 program have the exclusive authority to determine whether
83 veterans who have been dishonorably discharged may participate
84 in the veterans treatment court program within the circuit.

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

93 (5) RECORD OF POLICIES AND PROCEDURES.—

94 (a) Each veterans treatment court program shall seek input
95 from the state attorney and other interested persons in
96 developing and adopting policies and procedures to implement
97 subsections (6) and (7).

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

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

102 (a) A veterans treatment court program shall adopt
103 policies and procedures to implement the following key
104 components, including:

105 1. Integrating substance abuse and mental health treatment
106 services, and any other related treatment and rehabilitation
107 services with justice system case processing.

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

111 3. Providing for early identification of eligible
112 defendants.

113 4. Monitoring defendants for abstinence from alcohol and
114 drugs by frequent testing.

115 5. Providing ongoing judicial interaction with each
116 defendant.

117 6. Monitoring and evaluating the achievement of each
118 defendant's program goals.

119 7. Forging partnerships among the veterans treatment court
120 programs, the United States Department of Veterans Affairs, the
121 Florida Department of Veterans' Affairs, public agencies, and
122 community-based organizations to generate local support and
123 enhance the effectiveness of the veterans treatment court
124 program.

125 (b) In adopting policies and procedures under this

126 section, the court shall consult nationally recognized best
127 practices related to the key components of veterans treatment
128 court programs.

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

132 (a) Refer a defendant with a medical need to an
133 appropriate health care provider or refer a defendant for
134 appropriate assistance, including assistance with housing,
135 employment, nutrition, mentoring, education, and driver license
136 reinstatement.

137 (b) Otherwise encourage participation in the veterans
138 treatment court program.

139 (8) ELIGIBILITY.—

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

143 1. The defendant has a service-related mental health
144 condition, service-related traumatic brain injury, service-
145 related substance use disorder, or service-related psychological
146 problem.

147 2. The defendant's participation in the veterans treatment
148 court program is in the interest of justice and of benefit to
149 the defendant and the community.

150 (b) In making the determination under subparagraph (a)2.,
 151 the state attorney, in consultation with the court, must
 152 consider:

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

154 2. The special characteristics or circumstances of the
 155 defendant and any victim or alleged victim, including any
 156 recommendation of the victim or alleged victim.

157 3. The defendant's criminal history and whether the
 158 defendant previously participated in a veterans treatment court
 159 program or similar program.

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

162 5. The impact on the community of the defendant's
 163 participation and treatment in the veterans treatment court
 164 program.

165 6. Recommendations of any law enforcement agency involved
 166 in investigating or arresting the defendant.

167 7. If the defendant owes restitution, the likelihood of
 168 payment during the defendant's participation in the veterans
 169 treatment court program.

170 8. Any mitigating circumstances.

171 9. Any other circumstances reasonably related to the
 172 defendant's case.

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

175 (10) NO RIGHT TO PARTICIPATE.-This section does not create
176 a right of a veteran or servicemember to participate in a
177 veterans treatment court program ~~The chief judge of each~~
178 ~~judicial circuit may establish a Military Veterans and~~
179 ~~Servicemembers Court Program under which veterans, as defined in~~
180 ~~s. 1.01; veterans who were discharged or released under any~~
181 ~~condition; servicemembers, as defined in s. 250.01; individuals~~
182 ~~who are current or former United States Department of Defense~~
183 ~~contractors; and individuals who are current or former military~~
184 ~~members of a foreign allied country, who are charged or~~
185 ~~convicted of a criminal offense, and who suffer from a military-~~
186 ~~related mental illness, traumatic brain injury, substance abuse~~
187 ~~disorder, or psychological problem can be sentenced in~~
188 ~~accordance with chapter 921 in a manner that appropriately~~
189 ~~addresses the severity of the mental illness, traumatic brain~~
190 ~~injury, substance abuse disorder, or psychological problem~~
191 ~~through services tailored to the individual needs of the~~
192 ~~participant. Entry into any Military Veterans and Servicemembers~~
193 ~~Court Program must be based upon the sentencing court's~~
194 ~~assessment of the defendant's criminal history, military~~
195 ~~service, substance abuse treatment needs, mental health~~
196 ~~treatment needs, amenability to the services of the program, the~~
197 ~~recommendation of the state attorney and the victim, if any, and~~
198 ~~the defendant's agreement to enter the program.~~

199 Section 2. Subsection (2) of section 43.51, Florida

200 Statutes, is amended to read:

201 43.51 Problem-solving court reports.—

202 (2) For purposes of this section, the term "problem-
 203 solving court" includes, but is not limited to, a drug court
 204 pursuant to s. 397.334, s. 948.01, s. 948.06, s. 948.08, s.
 205 948.16, or s. 948.20; a veterans treatment ~~military veterans'~~
 206 ~~and servicemembers'~~ court program pursuant to s. 394.47891, s.
 207 948.08, s. 948.16, or s. 948.21; a mental health court program
 208 pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s.
 209 948.16; a community court pursuant to s. 948.081; or a
 210 delinquency pretrial intervention court program pursuant to s.
 211 985.345.

212 Section 3. Paragraph (a) of subsection (5) of section
 213 910.035, Florida Statutes, is amended to read:

214 910.035 Transfer from county for plea, sentence, or
 215 participation in a problem-solving court.—

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

218 (a) For purposes of this subsection, the term "problem-
 219 solving court" means a drug court pursuant to s. 948.01, s.
 220 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment
 221 ~~military veterans'~~ ~~and servicemembers'~~ court program pursuant to
 222 s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental
 223 health court program pursuant to s. 394.47892, s. 948.01, s.
 224 948.06, s. 948.08, or s. 948.16; or a delinquency pretrial

225 intervention court program pursuant to s. 985.345.

226 Section 4. Paragraph (k) of subsection (2) of section
227 948.06, Florida Statutes, is amended to read:

228 948.06 Violation of probation or community control;
229 revocation; modification; continuance; failure to pay
230 restitution or cost of supervision.—

231 (2)

232 (k)1. Notwithstanding s. 921.0024 and effective for
233 offenses committed on or after July 1, 2016, the court may order
234 the offender to successfully complete a postadjudicatory mental
235 health court program under s. 394.47892 or a veterans treatment
236 ~~military veterans and servicemembers~~ court program under s.
237 394.47891 if:

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

240 b. The underlying offense is a nonviolent felony. As used
241 in this subsection, the term "nonviolent felony" means a third
242 degree felony violation under chapter 810 or any other felony
243 offense that is not a forcible felony as defined in s. 776.08.
244 Offenders charged with resisting an officer with violence under
245 s. 843.01, battery on a law enforcement officer under s. 784.07,
246 or aggravated assault may participate in the mental health court
247 program if the court so orders after the victim is given his or
248 her right to provide testimony or written statement to the court
249 as provided in s. 921.143;

250 c. The court determines that the offender is amenable to
251 the services of a postadjudicatory mental health court program,
252 including taking prescribed medications, or a veterans treatment
253 ~~military veterans and servicemembers~~ court program;

254 d. The court explains the purpose of the program to the
255 offender and the offender agrees to participate; and

256 e. The offender is otherwise qualified to participate in a
257 postadjudicatory mental health court program under s.
258 394.47892(4) or a veterans treatment ~~military veterans and~~
259 ~~servicemembers~~ court program under s. 394.47891.

260 2. After the court orders the modification of community
261 control or probation, the original sentencing court shall
262 relinquish jurisdiction of the offender's case to the
263 postadjudicatory mental health court program or the veterans
264 treatment court program until the offender is no longer active
265 in the program, the case is returned to the sentencing court due
266 to the offender's termination from the program for failure to
267 comply with the terms thereof, or the offender's sentence is
268 completed.

269 Section 5. Paragraph (a) of subsection (7) of section
270 948.08, Florida Statutes, is amended to read:

271 948.08 Pretrial intervention program.—

272 (7) (a) ~~Notwithstanding any provision of this section,~~ A
273 person who is charged with a felony, other than a felony listed
274 in s. 948.06(8) (c), and who is identified as a veteran or a

275 servicemember, as defined in s. 394.47891, and is otherwise
276 qualified to participate in a veterans treatment court program
277 under s. 394.47891 s. 1.01; a veteran who is discharged or
278 released under any condition; a servicemember, as defined in s.
279 250.01; an individual who is a current or former United States
280 Department of Defense contractor; or an individual who is a
281 current or former military member of a foreign allied country,
282 who suffers from a military service related mental illness,
283 traumatic brain injury, substance abuse disorder, or
284 psychological problem is eligible for voluntary admission into a
285 veterans treatment court program pursuant to the requirements of
286 s. 394.47891(4) and (8). ~~pretrial veterans' treatment~~
287 ~~intervention program approved by the chief judge of the circuit,~~
288 ~~upon motion of either party or the court's own motion, except:~~
289 1. ~~If a defendant was previously offered admission to a~~
290 ~~pretrial veterans' treatment intervention program at any time~~
291 ~~before trial and the defendant rejected that offer on the~~
292 ~~record, the court may deny the defendant's admission to such a~~
293 ~~program.~~
294 2. ~~If a defendant previously entered a court ordered~~
295 ~~veterans' treatment program, the court may deny the defendant's~~
296 ~~admission into the pretrial veterans' treatment program.~~
297 Section 6. Paragraph (a) of subsection (2) of section
298 948.16, Florida Statutes, is amended to read:
299 948.16 Misdemeanor pretrial substance abuse education and

300 treatment intervention program; misdemeanor pretrial veterans'
 301 treatment intervention program; misdemeanor pretrial mental
 302 health court program.-

303 (2) (a) A veteran or a servicemember, as defined in s.
 304 394.47891, who is otherwise qualified to participate in a
 305 veterans treatment court program under s. 394.47891 s. 1.01; a
 306 veteran who is discharged or released under any condition; a
 307 servicemember, as defined in s. 250.01; an individual who is a
 308 current or former United States Department of Defense
 309 contractor; or an individual who is a current or former military
 310 member of a foreign allied country, who suffers from a military
 311 service-related mental illness, traumatic brain injury,
 312 substance abuse disorder, or psychological problem, and who is
 313 charged with a misdemeanor, which is not a criminal traffic
 314 offense, is eligible for voluntary admission into a misdemeanor
 315 veterans treatment court program ~~pretrial veterans' treatment~~
 316 ~~intervention program approved by the chief judge of the circuit,~~
 317 ~~for a period based on the program's requirements and the~~
 318 ~~treatment plan for the offender, pursuant to the requirements of~~
 319 ~~s. 394.47891(4) and (8) upon motion of either party or the~~
 320 ~~court's own motion. However, the court may deny the defendant~~
 321 ~~admission into a misdemeanor pretrial veterans' treatment~~
 322 ~~intervention program if the defendant has previously entered a~~
 323 ~~court-ordered veterans' treatment program.~~

324 Section 7. Subsection (4) of section 948.21, Florida

325 Statutes, is renumbered as subsection (5), and a new subsection
 326 (4) is added to that section, to read:

327 948.21 Condition of probation or community control;
 328 military servicemembers and veterans.—

329 (4) Effective for a probationer or community controllee
 330 whose crime is committed on or after July 1, 2021, who is a
 331 veteran or a servicemember as defined in s. 394.47891, and who
 332 is otherwise qualified to participate in a veterans treatment
 333 court program under s. 394.47891, the court may, in addition to
 334 any other conditions imposed, impose a condition requiring the
 335 probationer or community controllee to participate in a
 336 treatment program capable of treating the probationer or
 337 community controllee's service-related mental illness, service-
 338 related traumatic brain injury, service-related substance abuse
 339 disorder, or service-related psychological problem.

340 Section 8. A Military Veterans and Servicemembers Court
 341 Program in operation under s. 394.47891, Florida Statutes, on or
 342 before June 30, 2021, may continue to operate but must comply
 343 with the amendments made by this act to that section. This act
 344 does not affect or alter the rights or responsibilities of any
 345 person who, on or before June 30, 2021, was admitted to and
 346 participating in a Military Veterans and Servicemembers Court
 347 Program established under s. 394.47891, Florida Statutes.

348 Section 9. This act shall take effect July 1, 2021.