

ENROLLED

CS/HB 7023

2021 Legislature

1  
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

ENROLLED

CS/HB 7023

2021 Legislature

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.

30

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

32

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

35 394.47891 ~~Military~~ Veterans treatment ~~and servicemembers~~  
 36 court programs.—

37 (1) LEGISLATIVE INTENT.—It is the intent of the  
 38 Legislature to encourage and support the judicial circuits of  
 39 the state and other agencies, local governments, interested  
 40 public and private entities, and individuals to create and  
 41 maintain a veterans treatment court program in each judicial  
 42 circuit. The purpose of a veterans treatment court program is to  
 43 address the underlying causes of a veteran's involvement with  
 44 the judicial system through the use of specialized dockets,  
 45 multidisciplinary teams, and evidence-based treatment. A  
 46 veterans treatment court program shall use nonadversarial  
 47 approaches to resolve such underlying causes. Veterans treatment  
 48 court programs depend on the leadership of attorneys and judges  
 49 or magistrates who are educated in the issues and science of  
 50 veterans' behaviors leading to court involvement and require a

ENROLLED

CS/HB 7023

2021 Legislature

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) "Military sexual trauma" means psychological trauma  
 60 that results from a physical assault of a sexual nature, battery  
 61 of a sexual nature, or sexual harassment which occurred while a  
 62 servicemember or veteran was serving on active duty, active duty  
 63 for training, or inactive duty training.

64 (c) "Servicemember" means:

65 1. A member of the active or reserve components of the  
 66 United States Army, Navy, Air Force, Marine Corps, Space Force,  
 67 or Coast Guard;

68 2. A member of the Florida National Guard;

69 3. A current or former contractor for the United States  
 70 Department of Defense; or

71 4. A current or former military member of a foreign allied  
 72 country.

73 (d) "Veteran" means a person who has served in the  
 74 military.

75 (e) "Veterans treatment court program" means a specialized

ENROLLED

CS/HB 7023

2021 Legislature

76 | docket administered by a court for veterans and servicemembers  
 77 | as set forth in this section.

78 | (3) AUTHORIZATION.—

79 | (a) A court with jurisdiction over criminal cases may  
 80 | create and administer a veterans treatment court program.

81 | (b) A veterans treatment court program may adjudicate  
 82 | misdemeanors and felonies.

83 | (c) The chief judge may issue administrative orders  
 84 | concerning the veterans treatment court program.

85 | (d) The chief judge and state attorney of the judicial  
 86 | circuit that creates and administers a veterans treatment court  
 87 | program have the exclusive authority to determine whether  
 88 | veterans who have been dishonorably discharged may participate  
 89 | in the veterans treatment court program within the circuit.

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

98 | (5) RECORD OF POLICIES AND PROCEDURES.—

99 | (a) Each veterans treatment court program shall seek input  
 100 | from the state attorney and other interested persons in

ENROLLED

CS/HB 7023

2021 Legislature

101 developing and adopting policies and procedures to implement  
 102 subsections (6) and (7).

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

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

107 (a) A veterans treatment court program shall adopt  
 108 policies and procedures to implement the following key  
 109 components, including:

110 1. Integrating substance abuse and mental health treatment  
 111 services, and any other related treatment and rehabilitation  
 112 services with justice system case processing.

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

116 3. Providing for early identification of eligible  
 117 defendants.

118 4. Monitoring defendants for abstinence from alcohol and  
 119 drugs by frequent testing.

120 5. Providing ongoing judicial interaction with each  
 121 defendant.

122 6. Monitoring and evaluating the achievement of each  
 123 defendant's program goals.

124 7. Forging partnerships among the veterans treatment court  
 125 programs, the United States Department of Veterans Affairs, the

ENROLLED

CS/HB 7023

2021 Legislature

126 Florida Department of Veterans' Affairs, public agencies, and  
 127 community-based organizations to generate local support and  
 128 enhance the effectiveness of the veterans treatment court  
 129 program.

130 (b) In adopting policies and procedures under this  
 131 section, the court shall consult nationally recognized best  
 132 practices related to the key components of veterans treatment  
 133 court programs.

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

137 (a) Refer a defendant with a medical need to an  
 138 appropriate health care provider or refer a defendant for  
 139 appropriate assistance, including assistance with housing,  
 140 employment, nutrition, mentoring, education, and driver license  
 141 reinstatement.

142 (b) Otherwise encourage participation in the veterans  
 143 treatment court program.

144 (8) ELIGIBILITY.—

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

148 1. The defendant has a service-related mental health  
 149 condition, service-related traumatic brain injury, service-

ENROLLED

CS/HB 7023

2021 Legislature

150 related substance use disorder, or service-related psychological  
151 problem or has experienced military sexual trauma.

152 2. The defendant's participation in the veterans treatment  
153 court program is in the interest of justice and of benefit to  
154 the defendant and the community.

155 (b) In making the determination under subparagraph (a)2.,  
156 the state attorney, in consultation with the court, must  
157 consider:

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

159 2. The special characteristics or circumstances of the  
160 defendant and any victim or alleged victim, including any  
161 recommendation of the victim or alleged victim.

162 3. The defendant's criminal history and whether the  
163 defendant previously participated in a veterans treatment court  
164 program or similar program.

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

167 5. The impact on the community of the defendant's  
168 participation and treatment in the veterans treatment court  
169 program.

170 6. Recommendations of any law enforcement agency involved  
171 in investigating or arresting the defendant.

172 7. If the defendant owes restitution, the likelihood of  
173 payment during the defendant's participation in the veterans  
174 treatment court program.

ENROLLED

CS/HB 7023

2021 Legislature

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



ENROLLED

CS/HB 7023

2021 Legislature

200 ~~service, substance abuse treatment needs, mental health~~  
 201 ~~treatment needs, amenability to the services of the program, the~~  
 202 ~~recommendation of the state attorney and the victim, if any, and~~  
 203 ~~the defendant's agreement to enter the program.~~

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

206 43.51 Problem-solving court reports.—

207 (2) For purposes of this section, the term "problem-  
 208 solving court" includes, but is not limited to, a drug court  
 209 pursuant to s. 397.334, s. 948.01, s. 948.06, s. 948.08, s.  
 210 948.16, or s. 948.20; a veterans treatment ~~military veterans'~~  
 211 ~~and servicemembers'~~ court program pursuant to s. 394.47891, s.  
 212 948.08, s. 948.16, or s. 948.21; a mental health court program  
 213 pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s.  
 214 948.16; a community court pursuant to s. 948.081; or a  
 215 delinquency pretrial intervention court program pursuant to s.  
 216 985.345.

217 Section 3. Paragraph (a) of subsection (5) of section  
 218 910.035, Florida Statutes, is amended to read:

219 910.035 Transfer from county for plea, sentence, or  
 220 participation in a problem-solving court.—

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

223 (a) For purposes of this subsection, the term "problem-  
 224 solving court" means a drug court pursuant to s. 948.01, s.

ENROLLED

CS/HB 7023

2021 Legislature

225 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment  
226 ~~military veterans' and servicemembers'~~ court program pursuant to  
227 s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental  
228 health court program pursuant to s. 394.47892, s. 948.01, s.  
229 948.06, s. 948.08, or s. 948.16; or a delinquency pretrial  
230 intervention court program pursuant to s. 985.345.

231 Section 4. Paragraph (k) of subsection (2) of section  
232 948.06, Florida Statutes, is amended to read:

233 948.06 Violation of probation or community control;  
234 revocation; modification; continuance; failure to pay  
235 restitution or cost of supervision.—

236 (2)

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

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

245 b. The underlying offense is a nonviolent felony. As used  
246 in this subsection, the term "nonviolent felony" means a third  
247 degree felony violation under chapter 810 or any other felony  
248 offense that is not a forcible felony as defined in s. 776.08.  
249 Offenders charged with resisting an officer with violence under

ENROLLED

CS/HB 7023

2021 Legislature

250 s. 843.01, battery on a law enforcement officer under s. 784.07,  
251 or aggravated assault may participate in the mental health court  
252 program if the court so orders after the victim is given his or  
253 her right to provide testimony or written statement to the court  
254 as provided in s. 921.143;

255 c. The court determines that the offender is amenable to  
256 the services of a postadjudicatory mental health court program,  
257 including taking prescribed medications, or a veterans treatment  
258 ~~military veterans and servicemembers~~ court program;

259 d. The court explains the purpose of the program to the  
260 offender and the offender agrees to participate; and

261 e. The offender is otherwise qualified to participate in a  
262 postadjudicatory mental health court program under s.  
263 394.47892(4) or a veterans treatment ~~military veterans and~~  
264 ~~servicemembers~~ court program under s. 394.47891.

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

274 Section 5. Paragraph (a) of subsection (7) of section

ENROLLED

CS/HB 7023

2021 Legislature

275 948.08, Florida Statutes, is amended to read:

276 948.08 Pretrial intervention program.—

277 (7) (a) ~~Notwithstanding any provision of this section,~~ A  
 278 person who is charged with a felony, other than a felony listed  
 279 in s. 948.06(8) (c), and who is identified as a veteran or a  
 280 servicemember, as defined in s. 394.47891(2) (d) or (c),  
 281 respectively, and is otherwise qualified to participate in a  
 282 veterans treatment court program under s. 394.47891 s. 1.01; a  
 283 ~~veteran who is discharged or released under any condition; a~~  
 284 ~~servicemember, as defined in s. 250.01; an individual who is a~~  
 285 ~~current or former United States Department of Defense~~  
 286 ~~contractor; or an individual who is a current or former military~~  
 287 ~~member of a foreign allied country, who suffers from a military~~  
 288 ~~service-related mental illness, traumatic brain injury,~~  
 289 ~~substance abuse disorder, or psychological problem~~ is eligible  
 290 for ~~voluntary~~ admission into a veterans treatment court program  
 291 pursuant to the requirements of s. 394.47891(4) and (8).  
 292 ~~pretrial veterans' treatment intervention program approved by~~  
 293 ~~the chief judge of the circuit, upon motion of either party or~~  
 294 ~~the court's own motion, except:~~

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

ENROLLED

CS/HB 7023

2021 Legislature

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

303 Section 6. Paragraph (a) of subsection (2) of section  
 304 948.16, Florida Statutes, is amended to read:

305 948.16 Misdemeanor pretrial substance abuse education and  
 306 treatment intervention program; misdemeanor pretrial veterans'  
 307 treatment intervention program; misdemeanor pretrial mental  
 308 health court program.-

309 (2) (a) A veteran or a servicemember, as defined in s.  
 310 394.47891(2) (d) or (c), respectively, who is otherwise qualified  
 311 to participate in a veterans treatment court program under s.  
 312 394.47891 s. 1.01; ~~a veteran who is discharged or released under~~  
 313 ~~any condition; a servicemember, as defined in s. 250.01; an~~  
 314 ~~individual who is a current or former United States Department~~  
 315 ~~of Defense contractor; or an individual who is a current or~~  
 316 ~~former military member of a foreign allied country, who suffers~~  
 317 ~~from a military service-related mental illness, traumatic brain~~  
 318 ~~injury, substance abuse disorder, or psychological problem, and~~  
 319 ~~who~~ is charged with a misdemeanor is eligible for ~~voluntary~~  
 320 admission into a misdemeanor veterans treatment court program  
 321 ~~pretrial veterans' treatment intervention program approved by~~  
 322 ~~the chief judge of the circuit~~, for a period based on the  
 323 program's requirements and the treatment plan for the offender,  
 324 pursuant to the requirements of s. 394.47891(4) and (8) upon

ENROLLED

CS/HB 7023

2021 Legislature

325 ~~motion of either party or the court's own motion. However, the~~  
 326 ~~court may deny the defendant admission into a misdemeanor~~  
 327 ~~pretrial veterans' treatment intervention program if the~~  
 328 ~~defendant has previously entered a court-ordered veterans'~~  
 329 ~~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, 2021, who is a  
 337 veteran or a servicemember as defined in s. 394.47891(2)(d) or  
 338 (c), respectively, and who is otherwise qualified to participate  
 339 in a veterans treatment court program under s. 394.47891, the  
 340 court may, in addition to any other conditions imposed, impose a  
 341 condition requiring the probationer or community controllee to  
 342 participate in a treatment program capable of treating the  
 343 probationer or community controllee's service-related mental  
 344 illness, service-related traumatic brain injury, service-related  
 345 substance abuse disorder, service-related psychological problem,  
 346 or military sexual trauma as defined in s. 394.47891(2)(b).

347 Section 8. A Military Veterans and Servicemembers Court  
 348 Program in operation under s. 394.47891, Florida Statutes, on or  
 349 before June 30, 2021, may continue to operate but must comply

ENROLLED

CS/HB 7023

2021 Legislature

350 | with the amendments made by this act to that section. This act  
351 | does not affect or alter the rights or responsibilities of any  
352 | person who, on or before June 30, 2021, was admitted to and  
353 | participating in a Military Veterans and Servicemembers Court  
354 | Program established under s. 394.47891, Florida Statutes.

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