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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2021	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Burgess) recommended the following:

1 **Senate Substitute for Amendment (952314) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 394.47891 ~~Military~~ Veterans treatment ~~and servicemembers~~
9 court programs.—

10 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature



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11 to encourage and support the judicial circuits of the state and
12 other such agencies, local governments, interested public or
13 private entities, and individuals to create and maintain a
14 veterans treatment court in each circuit. The purpose of a
15 veterans treatment court program is to address the underlying
16 causes of a veteran's involvement with the judicial system
17 through the use of specialized dockets, multidisciplinary teams,
18 and evidence-based treatment. A veterans treatment court program
19 shall use nonadversarial approaches to resolve such issues.
20 Veterans treatment courts depend on the leadership of judges or
21 magistrates educated in the issues and science of veterans'
22 behaviors leading to court involvement, and these courts require
23 a rigorous team effort to detect, discern, and assist veterans
24 in correcting the behaviors and choices that led to the
25 veterans' court involvement. This section creates a detailed
26 statewide standard for the creation and operation of, and
27 procedures for, veterans treatment courts.

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

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

31 (b) "Participant agreement" means the agreement as set
32 forth in subsection (9) and any specific terms and conditions
33 applicable to the defendant. The term includes any modifications
34 made to the agreement under subsection (10).

35 (c) "Servicemember" means:

36 1. A member of the active or reserve components of the
37 United States Army, Navy, Air Force, Marine Corps, or Coast
38 Guard;

39 2. A member of the Florida National Guard or a National



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40 Guard of another state;
41 3. A current or former contractor for the United States
42 Department of Defense; or
43 4. A current or former military member of a foreign allied
44 country.
45 (d) "Veteran" means a person who has served in the
46 military.
47 (e) "Veterans treatment court" means a specialized docket
48 administered by a court for veterans and servicemembers as set
49 forth in this section.
50 (3) AUTHORIZATION.—
51 (a) A court with jurisdiction over criminal cases may
52 create and administer a veterans treatment court.
53 (b) A veterans treatment court may adjudicate misdemeanors
54 and felonies.
55 (c) The chief judge may issue administrative orders
56 concerning the veterans treatment court.
57 (d) The chief judge and state attorney of the circuit that
58 creates and administers the veterans treatment court have the
59 exclusive authority to determine whether veterans who have been
60 dishonorably discharged may participate in the veterans
61 treatment court within the circuit.
62 (4) ADMISSION.—A defendant who meets the eligibility
63 requirements under subsection (8) may be admitted to a veterans
64 treatment court at any stage of a criminal proceeding. A
65 defendant seeking to participate in a veterans treatment court
66 must submit an application to the state attorney. The state
67 attorney and court must review each application and determine
68 whether the defendant meets the eligibility requirements in



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69 subsection (8).

70 (5) RECORD OF POLICIES AND PROCEDURES.—

71 (a) Each veterans treatment court shall seek input from the
72 state attorney and other interested persons in developing and
73 adopting policies and procedures to implement subsections (6)
74 and (7).

75 (b) A veterans treatment court shall create a record of the
76 policies and procedures adopted to implement subsections (6) and
77 (7).

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

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

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

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

87 3. Providing for early identification of eligible
88 defendants;

89 4. Monitoring defendants for abstinence from alcohol and
90 drugs by frequent testing;

91 5. Providing ongoing judicial interaction with each
92 defendant;

93 6. Monitoring and evaluating the achievement of each
94 defendant's program goals; and

95 7. Forging partnerships among the veterans treatment
96 courts, the United States Department of Veterans Affairs, the
97 Florida Department of Veterans' Affairs, public agencies, and



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98 community-based organizations to generate local support and
99 enhance the effectiveness of the veterans treatment court.

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

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

106 (a) Refer a defendant with a medical need to an appropriate
107 health care provider or refer a defendant for appropriate
108 assistance, including assistance with housing, employment,
109 nutrition, mentoring, education, and driver license
110 reinstatement.

111 (b) Otherwise encourage participation in the veterans
112 treatment court.

113 (8) ELIGIBILITY.—

114 (a) A defendant may participate in a veterans treatment
115 court if:

116 1. The defendant has a military- or service-related mental
117 health condition, traumatic brain injury, substance use
118 disorder, or psychological problem;

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

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

124 a. The state attorney, with regard to pretrial diversion;
125 and

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



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

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

130 2. The special characteristics or circumstances of the
131 defendant and any victim or alleged victim, including any
132 recommendation of the victim or alleged victim;

133 3. The defendant's criminal history and whether the
134 defendant previously participated in a veterans treatment court
135 or similar program;

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

138 5. The effect on the community of the defendant's
139 participation and treatment in the veterans treatment court;

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

142 7. If the defendant owes restitution, the likelihood of
143 payment during the defendant's participation in the veterans
144 treatment court;

145 8. Any mitigating circumstances; and

146 9. Any other circumstances reasonably related to the
147 defendant's case.

148 (9) LIBERAL CONSTRUCTION.—The provisions of this section
149 shall be liberally construed.

150 (10) NO RIGHT TO PARTICIPATE.—This section does not create
151 a right of a veteran or servicemember to participate in a
152 veterans treatment court ~~The chief judge of each judicial~~
153 ~~circuit may establish a Military Veterans and Servicemembers~~
154 ~~Court Program under which veterans, as defined in s. 1.01;~~
155 ~~veterans who were discharged or released under any condition;~~



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156 ~~servicemembers, as defined in s. 250.01; individuals who are~~
157 ~~current or former United States Department of Defense~~
158 ~~contractors; and individuals who are current or former military~~
159 ~~members of a foreign allied country, who are charged or~~
160 ~~convicted of a criminal offense, and who suffer from a military-~~
161 ~~related mental illness, traumatic brain injury, substance abuse~~
162 ~~disorder, or psychological problem can be sentenced in~~
163 ~~accordance with chapter 921 in a manner that appropriately~~
164 ~~addresses the severity of the mental illness, traumatic brain~~
165 ~~injury, substance abuse disorder, or psychological problem~~
166 ~~through services tailored to the individual needs of the~~
167 ~~participant. Entry into any Military Veterans and Servicemembers~~
168 ~~Court Program must be based upon the sentencing court's~~
169 ~~assessment of the defendant's criminal history, military~~
170 ~~service, substance abuse treatment needs, mental health~~
171 ~~treatment needs, amenability to the services of the program, the~~
172 ~~recommendation of the state attorney and the victim, if any, and~~
173 ~~the defendant's agreement to enter the program.~~

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

176 43.51 Problem-solving court reports.—

177 (2) For purposes of this section, the term "problem-solving
178 court" includes, but is not limited to, a drug court pursuant to
179 s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s.
180 veterans treatment ~~military veterans' and~~
181 ~~servicemembers'~~ court pursuant to s. 394.47891, s. 948.08, s.
182 948.16, or s. 948.21; a mental health court program pursuant to
183 s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; a
184 community court pursuant to s. 948.081; or a delinquency



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185 pretrial intervention court program pursuant to s. 985.345.

186 Section 3. Paragraph (a) of subsection (5) of section
187 910.035, Florida Statutes, is amended to read:

188 910.035 Transfer from county for plea, sentence, or
189 participation in a problem-solving court.-

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

191 (a) For purposes of this subsection, the term "problem-
192 solving court" means a drug court pursuant to s. 948.01, s.
193 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment
194 ~~military veterans' and servicemembers'~~ court pursuant to s.
195 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health
196 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.
197 948.08, or s. 948.16; or a delinquency pretrial intervention
198 court program pursuant to s. 985.345.

199 Section 4. Paragraph (k) of subsection (2) of section
200 948.06, Florida Statutes, is amended to read:

201 948.06 Violation of probation or community control;
202 revocation; modification; continuance; failure to pay
203 restitution or cost of supervision.-

204 (2)

205 (k)1. Notwithstanding s. 921.0024 and effective for
206 offenses committed on or after July 1, 2016, the court may order
207 the offender to successfully complete a postadjudicatory mental
208 health court program under s. 394.47892 or a veterans treatment
209 ~~military veterans and servicemembers~~ court program under s.
210 394.47891 if:

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

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



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214 in this subsection, the term "nonviolent felony" means a third
215 degree felony violation under chapter 810 or any other felony
216 offense that is not a forcible felony as defined in s. 776.08.
217 Offenders charged with resisting an officer with violence under
218 s. 843.01, battery on a law enforcement officer under s. 784.07,
219 or aggravated assault may participate in the mental health court
220 program if the court so orders after the victim is given his or
221 her right to provide testimony or written statement to the court
222 as provided in s. 921.143;

223 c. The court determines that the offender is amenable to
224 the services of a postadjudicatory mental health court program,
225 including taking prescribed medications, or a veterans treatment
226 ~~military veterans and servicemembers~~ court program;

227 d. The court explains the purpose of the program to the
228 offender and the offender agrees to participate; and

229 e. The offender is otherwise qualified to participate in a
230 postadjudicatory mental health court program under s.
231 394.47892(4) or a veterans treatment ~~military veterans and~~
232 ~~servicemembers~~ court program under s. 394.47891.

233 2. After the court orders the modification of community
234 control or probation, the original sentencing court shall
235 relinquish jurisdiction of the offender's case to the
236 postadjudicatory mental health court program or the veterans
237 treatment court program until the offender is no longer active
238 in the program, the case is returned to the sentencing court due
239 to the offender's termination from the program for failure to
240 comply with the terms thereof, or the offender's sentence is
241 completed.

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



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243 948.08, Florida Statutes, is amended to read:

244 948.08 Pretrial intervention program.—

245 ~~(7) (a) Notwithstanding any provision of this section, A~~
246 ~~person who is charged with a felony, other than a felony listed~~
247 ~~in s. 948.06(8)(c), and who is identified as a veteran or a~~
248 ~~servicemember, as defined in s. 394.47891, and is otherwise~~
249 ~~qualified to participate in a veterans treatment court program~~
250 ~~under s. 394.47891 s. 1.01; a veteran who is discharged or~~
251 ~~released under any condition; a servicemember, as defined in s.~~
252 ~~250.01; an individual who is a current or former United States~~
253 ~~Department of Defense contractor; or an individual who is a~~
254 ~~current or former military member of a foreign allied country,~~
255 ~~who suffers from a military service-related mental illness,~~
256 ~~traumatic brain injury, substance abuse disorder, or~~
257 ~~psychological problem is eligible for voluntary admission into a~~
258 ~~veterans treatment court program pursuant to the requirements of~~
259 ~~s. 394.47891(4) and (8). pretrial veterans' treatment~~

260 ~~intervention program approved by the chief judge of the circuit,~~
261 ~~upon motion of either party or the court's own motion, except:~~

262 ~~1. If a defendant was previously offered admission to a~~
263 ~~pretrial veterans' treatment intervention program at any time~~
264 ~~before trial and the defendant rejected that offer on the~~
265 ~~record, the court may deny the defendant's admission to such a~~
266 ~~program.~~

267 ~~2. If a defendant previously entered a court-ordered~~
268 ~~veterans' treatment program, the court may deny the defendant's~~
269 ~~admission into the pretrial veterans' treatment program.~~

270 Section 6. Paragraph (a) of subsection (2) of section
271 948.16, Florida Statutes, is amended to read:



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272 948.16 Misdemeanor pretrial substance abuse education and
273 treatment intervention program; misdemeanor pretrial veterans'
274 treatment intervention program; misdemeanor pretrial mental
275 health court program.-

276 (2) (a) A veteran or a servicemember, as defined in s.
277 394.47891, who is otherwise qualified to participate in a
278 veterans treatment court program under s. 394.47891 s. 1.01; a
279 veteran who is discharged or released under any condition; a
280 servicemember, as defined in s. 250.01; an individual who is a
281 current or former United States Department of Defense
282 contractor; or an individual who is a current or former military
283 member of a foreign allied country, who suffers from a military
284 service-related mental illness, traumatic brain injury,
285 substance abuse disorder, or psychological problem, and who is
286 charged with a misdemeanor is eligible for voluntary admission
287 into a misdemeanor veterans treatment court pretrial veterans'
288 treatment intervention program approved by the chief judge of
289 the circuit, for a period based on the program's requirements
290 and the treatment plan for the offender, pursuant to the
291 requirements of s. 394.47891(4) and (8) upon motion of either
292 party or the court's own motion. However, the court may deny the
293 defendant admission into a misdemeanor pretrial veterans'
294 treatment intervention program if the defendant has previously
295 entered a court-ordered veterans' treatment program.

296 Section 7. Present subsection (4) of section 948.21,
297 Florida Statutes, is redesignated as subsection (5), and a new
298 subsection (4) is added to that section, to read:

299 948.21 Condition of probation or community control;
300 military servicemembers and veterans.-



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301 (4) Effective for a probationer or community controllee
302 whose crime is committed on or after July 1, 2021, who is a
303 veteran or a servicemember as defined in s. 394.47891, and who
304 is otherwise qualified to participate in a veterans treatment
305 court program under s. 394.47891, the court may, in addition to
306 any other conditions imposed, require the probationer or
307 community controllee to participate in a treatment program
308 capable of treating the probationer or community controllee's
309 military- or service-related mental illness, traumatic brain
310 injury, substance use disorder, or psychological problem.

311 Section 8. A Military Veterans and Servicemembers Court
312 Program in operation under s. 394.47891, Florida Statutes, on or
313 before June 30, 2021, may continue to operate following the
314 effective date of this act, but must comply with the amendments
315 made by this act to that section. This act does not affect or
316 alter the rights or responsibilities of any person who, on or
317 before June 30, 2021, was admitted to and participating in a
318 Military Veterans and Servicemembers Court Program established
319 under s. 394.47891, Florida Statutes.

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

321
322 ===== T I T L E A M E N D M E N T =====

323 And the title is amended as follows:

324 Delete everything before the enacting clause
325 and insert:

326 A bill to be entitled
327 An act relating to veterans treatment courts; amending
328 s. 394.47891, F.S.; providing legislative intent;
329 defining terms; authorizing certain courts to create



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330 and administer veterans treatment courts for specified
331 purposes; providing standards for admission to a
332 veterans treatment court program; specifying program
333 implementation procedures, components, and policies;
334 specifying eligibility requirements for participation
335 in the program; providing construction; specifying
336 that the act does not create a right to participate in
337 the program; deleting provisions relating to the
338 Military Veterans and Servicemembers Court Program, to
339 conform to changes made by the act; amending ss.
340 43.51, 910.035, and 948.06, F.S.; conforming
341 provisions to changes made by the act; amending ss.
342 948.08 and 948.16, F.S.; revising eligibility for
343 certain pretrial programs to include certain
344 individuals eligible to participate in a veterans
345 treatment court program; amending s. 948.21, F.S.;
346 authorizing a court to impose a condition requiring a
347 probationer or community controllee eligible to
348 participate in a veterans treatment court program to
349 participate in certain treatment programs under
350 certain circumstances; specifying applicability of the
351 act to participants in certain court programs in
352 existence as of a specified date; providing an
353 effective date.