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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2021	.	
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The Committee on Criminal Justice (Burgess) recommended the following:

Senate Amendment

Delete lines 57 - 147

and insert:

(b) "Servicemember" means:

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

2. A member of the Florida National Guard or a National Guard of another state;



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11 3. A current or former contractor for the United States
12 Department of Defense; or

13 4. A current or former military member of a foreign allied
14 country.

15 (c) "Veteran" means a person who has served in the
16 military.

17 (d) "Veterans treatment court" means a specialized docket
18 administered by a court for veterans and servicemembers as set
19 forth in this section.

20 (3) AUTHORIZATION.—

21 (a) A court with jurisdiction over criminal cases may
22 create and administer a veterans treatment court.

23 (b) A veterans treatment court may adjudicate misdemeanors
24 and felonies.

25 (c) The chief judge may issue administrative orders
26 concerning the veterans treatment court.

27 (d) The chief judge and state attorney of the circuit that
28 creates and administers the veterans treatment court have the
29 exclusive authority to determine whether, on a case-by-case
30 basis, veterans who have been dishonorably discharged may
31 participate in the veterans treatment court of that circuit.

32 (4) ADMISSION.—A defendant who meets the eligibility
33 requirements under subsection (8) may be admitted to a veterans
34 treatment court at any stage of a criminal proceeding. A
35 defendant seeking to participate in a veterans treatment court
36 must submit an application to the state attorney. The state
37 attorney and court must review each application and determine
38 whether the defendant meets the eligibility requirements in
39 subsection (8).



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40 (5) RECORD OF POLICIES AND PROCEDURES.—

41 (a) Each veterans treatment court shall seek input from the
42 state attorney and other interested persons in developing and
43 adopting policies and procedures to implement subsections (6)
44 and (7).

45 (b) A veterans treatment court shall create a record of the
46 policies and procedures adopted to implement subsections (6) and
47 (7).

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

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

51 1. Integrating substance abuse and mental health treatment
52 services and any other related treatment and rehabilitation
53 services with justice system case processing;

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

57 3. Providing for early identification of eligible
58 defendants;

59 4. Monitoring defendants for abstinence from alcohol and
60 drugs by frequent testing;

61 5. Providing ongoing judicial interaction with each
62 defendant;

63 6. Monitoring and evaluating the achievement of each
64 defendant's program goals; and

65 7. Forging partnerships among the veterans treatment
66 courts, the United States Department of Veterans Affairs, the
67 Florida Department of Veterans' Affairs, public agencies, and
68 community-based organizations to generate local support and



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69 enhance the effectiveness of the veterans treatment court.

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

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

76 (a) Refer a defendant with a medical need to an appropriate
77 health care provider or refer a defendant for appropriate
78 assistance, including assistance with housing, employment,
79 nutrition, mentoring, education, and driver license
80 reinstatement.

81 (b) Otherwise encourage participation in the veterans
82 treatment court.

83 (8) ELIGIBILITY.—

84 (a) A defendant may participate in a veterans treatment
85 court if:

86 1. The defendant has a military- or service-related mental
87 health condition, traumatic brain injury, substance use
88 disorder, or psychological problem; and

89 2. The defendant's participation in the veterans treatment