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LEGISLATIVE ACTION

Senate

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House

The Committee on Military and Veterans Affairs, Space, and Domestic Security (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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



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

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

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

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

34 (c) "Servicemember" means:

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

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



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40 3. A current or former contractor for the United States
41 Department of Defense; or

42 4. A current or former military member of a foreign allied
43 country.

44 (d) "Veteran" means a person who has served in the
45 military.

46 (e) "Veterans treatment court" means a specialized docket
47 administered by a court for veterans and servicemembers as set
48 forth in this section.

49 (3) AUTHORIZATION.—

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

52 (b) A veterans treatment court may adjudicate misdemeanors
53 and felonies.

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

56 (d) The chief judge and state attorney of the circuit that
57 creates and administers the veterans treatment court have the
58 exclusive authority to determine whether veterans who have been
59 dishonorably discharged may participate in the veterans
60 treatment court within the circuit.

61 (4) ADMISSION.—A defendant who meets the eligibility
62 requirements under subsection (8) may be admitted to a veterans
63 treatment court at any stage of a criminal proceeding. A
64 defendant seeking to participate in a veterans treatment court
65 must submit an application to the state attorney. The state
66 attorney and court must review each application and determine
67 whether the defendant meets the eligibility requirements in
68 subsection (8).



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69 (5) RECORD OF POLICIES AND PROCEDURES.—

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

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

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

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

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

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

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

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

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

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

94 7. Forging partnerships among the veterans treatment
95 courts, the United States Department of Veterans Affairs, the
96 Florida Department of Veterans' Affairs, public agencies, and
97 community-based organizations to generate local support and



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98 enhance the effectiveness of the veterans treatment court.

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

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

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

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

112 (8) ELIGIBILITY.—

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

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

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

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

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

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

126 (b) In making the determination under subparagraph (a)3.,



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127 the state attorney and court must consider:
128 1. The nature and circumstances of the offense charged;
129 2. The special characteristics or circumstances of the
130 defendant and any victim or alleged victim, including any
131 recommendation of the victim or alleged victim;
132 3. The defendant's criminal history and whether the
133 defendant previously participated in a veterans treatment court
134 or similar program;
135 4. Whether the defendant's needs exceed the treatment
136 resources available to the veterans treatment court;
137 5. The effect on the community of the defendant's
138 participation and treatment in the veterans treatment court;
139 6. Recommendations of any law enforcement agency involved
140 in investigating or arresting the defendant;
141 7. If the defendant owes restitution, the likelihood of
142 payment during the defendant's participation in the veterans
143 treatment court;
144 8. Any mitigating circumstances; and
145 9. Any other circumstances reasonably related to the
146 defendant's case.
147 (9) PARTICIPANT AGREEMENT.—To participate in a veterans
148 treatment court, the defendant must sign, and the court must
149 approve, a participant agreement. If admission to the veterans
150 treatment court occurs pretrial, the state attorney must sign
151 the participant agreement.
152 (10) MODIFICATION OR TERMINATION.—If a veterans treatment
153 court determines after a hearing that a defendant has not
154 complied with the participant agreement, the court may modify or
155 revoke the defendant's participation in the program.



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156 (11) COMPLETION OF THE PARTICIPANT AGREEMENT.—If a veterans
157 treatment court determines that a defendant has completed the
158 requirements of the participant agreement, the court shall
159 dispose of the charge or charges that served as the basis for
160 participation in the veterans treatment court in accordance with
161 the participant agreement and any applicable plea agreement,
162 court order, or judgment.

163 (12) LIBERAL CONSTRUCTION.—The provisions of this section
164 shall be liberally construed.

165 (13) NO RIGHT TO PARTICIPATE.—This section does not create
166 a right of a veteran or servicemember to participate in a
167 veterans treatment court ~~The chief judge of each judicial~~
168 ~~ircuit may establish a Military Veterans and Servicemembers~~
169 ~~Court Program under which veterans, as defined in s. 1.01;~~
170 ~~veterans who were discharged or released under any condition;~~
171 ~~servicemembers, as defined in s. 250.01; individuals who are~~
172 ~~current or former United States Department of Defense~~
173 ~~contractors; and individuals who are current or former military~~
174 ~~members of a foreign allied country, who are charged or~~
175 ~~convicted of a criminal offense, and who suffer from a military-~~
176 ~~related mental illness, traumatic brain injury, substance abuse~~
177 ~~disorder, or psychological problem can be sentenced in~~
178 ~~accordance with chapter 921 in a manner that appropriately~~
179 ~~addresses the severity of the mental illness, traumatic brain~~
180 ~~injury, substance abuse disorder, or psychological problem~~
181 ~~through services tailored to the individual needs of the~~
182 ~~participant. Entry into any Military Veterans and Servicemembers~~
183 ~~Court Program must be based upon the sentencing court's~~
184 ~~assessment of the defendant's criminal history, military~~



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185 ~~service, substance abuse treatment needs, mental health~~
186 ~~treatment needs, amenability to the services of the program, the~~
187 ~~recommendation of the state attorney and the victim, if any, and~~
188 ~~the defendant's agreement to enter the program.~~

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

191 43.51 Problem-solving court reports.—

192 (2) For purposes of this section, the term "problem-solving
193 court" includes, but is not limited to, a drug court pursuant to
194 s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s.
195 948.20; a veterans treatment ~~military veterans' and~~
196 ~~servicemembers'~~ court pursuant to s. 394.47891, s. 948.08, s.
197 948.16, or s. 948.21; a mental health court program pursuant to
198 s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; a
199 community court pursuant to s. 948.081; or a delinquency
200 pretrial intervention court program pursuant to s. 985.345.

201 Section 3. Paragraph (a) of subsection (5) of section
202 910.035, Florida Statutes, is amended to read:

203 910.035 Transfer from county for plea, sentence, or
204 participation in a problem-solving court.—

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

206 (a) For purposes of this subsection, the term "problem-
207 solving court" means a drug court pursuant to s. 948.01, s.
208 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment
209 ~~military veterans' and servicemembers'~~ court pursuant to s.
210 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health
211 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.
212 948.08, or s. 948.16; or a delinquency pretrial intervention
213 court program pursuant to s. 985.345.



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214 Section 4. Paragraph (k) of subsection (2) of section
215 948.06, Florida Statutes, is amended to read:

216 948.06 Violation of probation or community control;
217 revocation; modification; continuance; failure to pay
218 restitution or cost of supervision.—

219 (2)

220 (k)1. Notwithstanding s. 921.0024 and effective for
221 offenses committed on or after July 1, 2016, the court may order
222 the offender to successfully complete a postadjudicatory mental
223 health court program under s. 394.47892 or a veterans treatment
224 ~~military veterans and servicemembers~~ court program under s.
225 394.47891 if:

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

228 b. The underlying offense is a nonviolent felony. As used
229 in this subsection, the term "nonviolent felony" means a third
230 degree felony violation under chapter 810 or any other felony
231 offense that is not a forcible felony as defined in s. 776.08.
232 Offenders charged with resisting an officer with violence under
233 s. 843.01, battery on a law enforcement officer under s. 784.07,
234 or aggravated assault may participate in the mental health court
235 program if the court so orders after the victim is given his or
236 her right to provide testimony or written statement to the court
237 as provided in s. 921.143;

238 c. The court determines that the offender is amenable to
239 the services of a postadjudicatory mental health court program,
240 including taking prescribed medications, or a veterans treatment
241 ~~military veterans and servicemembers~~ court program;

242 d. The court explains the purpose of the program to the



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243 offender and the offender agrees to participate; and
244 e. The offender is otherwise qualified to participate in a
245 postadjudicatory mental health court program under s.
246 394.47892(4) or a veterans treatment ~~military veterans and~~
247 ~~servicemembers~~ court program under s. 394.47891.
248 2. After the court orders the modification of community
249 control or probation, the original sentencing court shall
250 relinquish jurisdiction of the offender's case to the
251 postadjudicatory mental health court program or the veterans
252 treatment court program until the offender is no longer active
253 in the program, the case is returned to the sentencing court due
254 to the offender's termination from the program for failure to
255 comply with the terms thereof, or the offender's sentence is
256 completed.
257 Section 5. Paragraph (a) of subsection (7) of section
258 948.08, Florida Statutes, is amended to read:
259 948.08 Pretrial intervention program.-
260 (7) (a) Notwithstanding any provision of this section, a
261 person who is charged with a felony, other than a felony listed
262 in s. 948.06(8)(c), and who is identified as a veteran or a
263 servicemember, as defined in s. 394.47891, and is otherwise
264 qualified to participate in a veterans treatment court program
265 under s. 394.47891, s. 1.01; a veteran who is discharged or
266 released under any condition; a servicemember, as defined in s.
267 250.01; an individual who is a current or former United States
268 Department of Defense contractor; or an individual who is a
269 current or former military member of a foreign allied country,
270 who suffers from a military service-related mental illness,
271 traumatic brain injury, substance abuse disorder, or



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272 ~~psychological problem~~ is eligible for voluntary admission into a
273 pretrial veterans' treatment intervention program approved by
274 the chief judge of the circuit, upon motion of either party or
275 the court's own motion, except:

276 1. If a defendant was previously offered admission to a
277 pretrial veterans' treatment intervention program at any time
278 before trial and the defendant rejected that offer on the
279 record, the court may deny the defendant's admission to such a
280 program.

281 2. If a defendant previously entered a court-ordered
282 veterans' treatment program, the court may deny the defendant's
283 admission into the pretrial veterans' treatment program.

284 Section 6. Paragraph (a) of subsection (2) of section
285 948.16, Florida Statutes, is amended to read:

286 948.16 Misdemeanor pretrial substance abuse education and
287 treatment intervention program; misdemeanor pretrial veterans'
288 treatment intervention program; misdemeanor pretrial mental
289 health court program.-

290 (2) (a) A veteran or a servicemember, as defined in s.
291 394.47891, who is otherwise qualified to participate in a
292 veterans treatment court program under that section s. 1.01; a
293 veteran who is discharged or released under any condition; a
294 servicemember, as defined in s. 250.01; an individual who is a
295 current or former United States Department of Defense
296 contractor; or an individual who is a current or former military
297 member of a foreign allied country, who suffers from a military
298 service-related mental illness, traumatic brain injury,
299 substance abuse disorder, or psychological problem, and who is
300 charged with a misdemeanor is eligible for voluntary admission



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301 into a misdemeanor pretrial veterans' treatment intervention
302 program approved by the chief judge of the circuit, for a period
303 based on the program's requirements and the treatment plan for
304 the offender, upon motion of either party or the court's own
305 motion. However, the court may deny the defendant admission into
306 a misdemeanor pretrial veterans' treatment intervention program
307 if the defendant has previously entered a court-ordered
308 veterans' treatment program.

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

312 948.21 Condition of probation or community control;
313 military servicemembers and veterans.-

314 (4) Effective for a probationer or community controllee
315 whose crime is committed on or after July 1, 2021, who is a
316 veteran or a servicemember as defined in s. 394.47891, and who
317 is otherwise qualified to participate in a veterans treatment
318 court program under s. 394.47891, the court may, in addition to
319 any other conditions imposed, require the probationer or
320 community controllee to participate in a treatment program
321 capable of treating the probationer or community controllee's
322 military- or service-related mental illness, traumatic brain
323 injury, substance use disorder, or psychological problem.

324 Section 8. A Military Veterans and Servicemembers Court
325 Program in operation under s. 394.47891, Florida Statutes, on or
326 before June 30, 2021, may continue to operate following the
327 effective date of this act, but must comply with the amendments
328 made by this act to that section. This act does not affect or
329 alter the rights or responsibilities of any person who, on or



330 before June 30, 2021, was admitted to and participating in a
331 Military Veterans and Servicemembers Court Program established
332 under s. 394.47891, Florida Statutes.

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

334

335 ===== T I T L E A M E N D M E N T =====

336 And the title is amended as follows:

337 Delete everything before the enacting clause
338 and insert:

339 A bill to be entitled
340 An act relating to veterans treatment courts; amending
341 s. 394.47891, F.S.; providing legislative intent;
342 defining terms; authorizing certain courts to create
343 and administer veterans treatment courts for specified
344 purposes; providing standards for admission to a
345 veterans treatment court program; specifying program
346 implementation procedures, components, and policies;
347 specifying eligibility requirements for participation
348 in the program; requiring participant agreements and
349 specifying requirements for the agreements; providing
350 construction; specifying that the act does not create
351 a right to participate in the program; deleting
352 provisions relating to the Military Veterans and
353 Servicemembers Court Program, to conform to changes
354 made by the act; amending ss. 43.51, 910.035, and
355 948.06, F.S.; conforming provisions to changes made by
356 the act; amending ss. 948.08 and 948.16, F.S.;

357 revising eligibility for certain pretrial programs to
358 include certain individuals eligible to participate in



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359 a veterans treatment court program; amending s.
360 948.21, F.S.; authorizing a court to impose a
361 condition requiring a probationer or community
362 controllee eligible to participate in a veterans
363 treatment court program to participate in certain
364 treatment programs under certain circumstances;
365 specifying applicability of the act to participants in
366 certain court programs in existence as of a specified
367 date; providing an effective date.