

**By** the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Burgess

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1                                   A bill to be entitled  
2           An act relating to veterans treatment courts; amending  
3           s. 394.47891, F.S.; providing legislative intent;  
4           defining terms; authorizing certain courts to create  
5           and administer veterans treatment courts for specified  
6           purposes; providing standards for admission to a  
7           veterans treatment court program; specifying program  
8           implementation procedures, components, and policies;  
9           specifying eligibility requirements for participation  
10          in the program; providing construction; specifying  
11          that the act does not create a right to participate in  
12          the program; deleting provisions relating to the  
13          Military Veterans and Servicemembers Court Program, to  
14          conform to changes made by the act; amending ss.  
15          43.51, 910.035, and 948.06, F.S.; conforming  
16          provisions to changes made by the act; amending ss.  
17          948.08 and 948.16, F.S.; revising eligibility for  
18          certain pretrial programs to include certain  
19          individuals eligible to participate in a veterans  
20          treatment court program; amending s. 948.21, F.S.;  
21          authorizing a court to impose a condition requiring a  
22          probationer or community controllee eligible to  
23          participate in a veterans treatment court program to  
24          participate in certain treatment programs under  
25          certain circumstances; specifying applicability of the  
26          act to participants in certain court programs in  
27          existence as of a specified date; providing an  
28          effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Section 394.47891, Florida Statutes, is amended  
33 to read:

34 394.47891 ~~Military~~ Veterans treatment and servicemembers  
35 court programs.—

36 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
37 to encourage and support the judicial circuits of the state and  
38 other such agencies, local governments, interested public or  
39 private entities, and individuals to create and maintain a  
40 veterans treatment court in each circuit. The purpose of a  
41 veterans treatment court program is to address the underlying  
42 causes of a veteran's involvement with the judicial system  
43 through the use of specialized dockets, multidisciplinary teams,  
44 and evidence-based treatment. A veterans treatment court program  
45 shall use nonadversarial approaches to resolve such issues.  
46 Veterans treatment courts depend on the leadership of judges or  
47 magistrates educated in the issues and science of veterans'  
48 behaviors leading to court involvement, and these courts require  
49 a rigorous team effort to detect, discern, and assist veterans  
50 in correcting the behaviors and choices that led to the  
51 veterans' court involvement. This section creates a detailed  
52 statewide standard for the creation and operation of, and  
53 procedures for, veterans treatment courts.

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

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

57 (b) "Participant agreement" means the agreement as set  
58 forth in subsection (9) and any specific terms and conditions

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59 applicable to the defendant. The term includes any modifications  
60 made to the agreement under subsection (10).

61 (c) "Servicemember" means:

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

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

67 3. A current or former contractor for the United States  
68 Department of Defense; or

69 4. A current or former military member of a foreign allied  
70 country.

71 (d) "Veteran" means a person who has served in the  
72 military.

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

76 (3) AUTHORIZATION.—

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

79 (b) A veterans treatment court may adjudicate misdemeanors  
80 and felonies.

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

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

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

96       (5) RECORD OF POLICIES AND PROCEDURES.—

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

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

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

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

107       1. Integrating substance abuse and mental health treatment  
108 services and any other related treatment and rehabilitation  
109 services with justice system case processing;

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

113       3. Providing for early identification of eligible  
114 defendants;

115       4. Monitoring defendants for abstinence from alcohol and  
116 drugs by frequent testing;

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117 5. Providing ongoing judicial interaction with each  
118 defendant;

119 6. Monitoring and evaluating the achievement of each  
120 defendant's program goals; and

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

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

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

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

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

139 (8) ELIGIBILITY.—

140 (a) A defendant may participate in a veterans treatment  
141 court if:

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

145 2. The defendant voluntarily agrees to the terms of the

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146 participant agreement by signing the agreement; and

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

150 a. The state attorney, with regard to pretrial diversion;  
151 and

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

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

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

156 2. The special characteristics or circumstances of the  
157 defendant and any victim or alleged victim, including any  
158 recommendation of the victim or alleged victim;

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

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

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

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

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

171 8. Any mitigating circumstances; and

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

174 (9) LIBERAL CONSTRUCTION.—The provisions of this section

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175 shall be liberally construed.

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

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

202 43.51 Problem-solving court reports.—

203 (2) For purposes of this section, the term "problem-solving

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204 court" includes, but is not limited to, a drug court pursuant to  
205 s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s.  
206 948.20; a veterans treatment ~~military veterans'~~ and  
207 ~~servicemembers'~~ court pursuant to s. 394.47891, s. 948.08, s.  
208 948.16, or s. 948.21; a mental health court program pursuant to  
209 s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; a  
210 community court pursuant to s. 948.081; or a delinquency  
211 pretrial intervention court program pursuant to s. 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 COURT.—

217 (a) For purposes of this subsection, the term "problem-  
218 solving court" means a drug court pursuant to s. 948.01, s.  
219 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment  
220 ~~military veterans'~~ and ~~servicemembers'~~ court pursuant to s.  
221 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health  
222 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.  
223 948.08, or s. 948.16; or a delinquency pretrial intervention  
224 court program pursuant to s. 985.345.

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

227 948.06 Violation of probation or community control;  
228 revocation; modification; continuance; failure to pay  
229 restitution or cost of supervision.—

230 (2)

231 (k)1. Notwithstanding s. 921.0024 and effective for  
232 offenses committed on or after July 1, 2016, the court may order

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233 the offender to successfully complete a postadjudicatory mental  
234 health court program under s. 394.47892 or a veterans treatment  
235 ~~military veterans and servicemembers~~ court program under s.  
236 394.47891 if:

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

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

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

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

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

259 2. After the court orders the modification of community  
260 control or probation, the original sentencing court shall  
261 relinquish jurisdiction of the offender's case to the

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262 postadjudicatory mental health court program or the veterans  
263 treatment court program until the offender is no longer active  
264 in the program, the case is returned to the sentencing court due  
265 to the offender's termination from the program for failure to  
266 comply with the terms thereof, or the offender's sentence is  
267 completed.

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

270 948.08 Pretrial intervention program.—

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

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291 ~~record, the court may deny the defendant's admission to such a~~  
292 ~~program.~~

293 ~~2. If a defendant previously entered a court-ordered~~  
294 ~~veterans' treatment program, the court may deny the defendant's~~  
295 ~~admission into the pretrial veterans' treatment program.~~

296 Section 6. Paragraph (a) of subsection (2) of section  
297 948.16, Florida Statutes, is amended to read:

298 948.16 Misdemeanor pretrial substance abuse education and  
299 treatment intervention program; misdemeanor pretrial veterans'  
300 treatment intervention program; misdemeanor pretrial mental  
301 health court program.-

302 (2) (a) A veteran or a servicemember, as defined in s.  
303 394.47891, who is otherwise qualified to participate in a  
304 veterans treatment court program under s. 394.47891 s. 1.01; a  
305 ~~veteran who is discharged or released under any condition; a~~  
306 ~~servicemember, as defined in s. 250.01; an individual who is a~~  
307 ~~current or former United States Department of Defense~~  
308 ~~contractor; or an individual who is a current or former military~~  
309 ~~member of a foreign allied country, who suffers from a military~~  
310 ~~service-related mental illness, traumatic brain injury,~~  
311 ~~substance abuse disorder, or psychological problem, and who is~~  
312 ~~charged with a misdemeanor is eligible for voluntary admission~~  
313 ~~into a misdemeanor veterans treatment court ~~pretrial veterans'~~~~  
314 ~~treatment intervention program approved by the chief judge of~~  
315 ~~the circuit, for a period based on the program's requirements~~  
316 ~~and the treatment plan for the offender, pursuant to the~~  
317 requirements of s. 394.47891(4) and (8) ~~upon motion of either~~  
318 ~~party or the court's own motion. However, the court may deny the~~  
319 ~~defendant admission into a misdemeanor pretrial veterans'~~

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320 ~~treatment intervention program if the defendant has previously~~  
321 ~~entered a court-ordered veterans' treatment program.~~

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

325 948.21 Condition of probation or community control;  
326 military servicemembers and veterans.—

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

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

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