

By Senator Wright

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1 A bill to be entitled
2 An act relating to access to veterans treatment court
3 programs; amending s. 394.47891, F.S.; deleting a
4 provision requiring that a defendant seeking to
5 participate in a veterans treatment court program
6 submit an application to the state attorney; deleting
7 a provision requiring that the state attorney review
8 each application and determine whether the defendant
9 meets certain eligibility requirements; deleting a
10 requirement that in order for a defendant to
11 participate in a veterans treatment court program he
12 or she must be approved by the state attorney, in
13 consultation with the court; conforming a provision to
14 changes made by the act; amending s. 948.01, F.S.;
15 authorizing the sentencing court, for offenses
16 committed after a specified date, to place defendants
17 into a postadjudicatory veterans treatment court
18 program under certain circumstances; requiring that
19 satisfactory completion of the program be a condition
20 of the defendant's probation or community control;
21 defining the term "nonviolent felony"; requiring that
22 the defendant be advised by counsel of the purpose of
23 the veterans treatment court program and that the
24 defendant agree to enter the program in order to be
25 placed into the program; providing for jurisdiction;
26 amending s. 948.06, F.S.; authorizing offenders
27 charged with certain offenses to participate in the
28 veterans treatment court program under certain
29 circumstances; making technical changes; amending s.

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30 948.08, F.S.; specifying that certain defendants are
31 eligible for voluntary admission into a certain
32 pretrial veterans treatment court program and upon a
33 motion by either party or the court requiring their
34 admittance for an amount of time determined by the
35 court based on their clinical needs; amending ss.
36 43.51 and 910.035, F.S.; conforming provisions to
37 changes made by the act; reenacting s. 948.16(2)(a),
38 F.S., relating to misdemeanor pretrial veterans'
39 treatment intervention programs, to incorporate the
40 amendment made to s. 394.47891, F.S., in a reference
41 thereto; reenacting s. 921.187(1)(c), F.S., relating
42 to disposition and sentencing, alternatives, and
43 restitution, to incorporate the amendment made to s.
44 948.01, F.S., in a reference thereto; reenacting ss.
45 948.012(2)(b), 948.10(3), and 958.14, F.S., relating
46 to split sentence of probation or community control
47 and imprisonment, community control programs, and
48 violation of probation or community control programs,
49 respectively, to incorporate the amendment made to s.
50 948.06, F.S., in references thereto; reenacting ss.
51 796.07(4)(b), 944.026(3), and 948.036(1), F.S.,
52 relating to prohibiting prostitution and related acts;
53 community-based facilities and programs; and work
54 programs as a condition of probation, community
55 control, or other court-ordered community supervision,
56 respectively, to incorporate the amendment made to s.
57 948.08, F.S., in references thereto; providing an
58 effective date.

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

Section 1. Subsections (4) and (8) of section 394.47891, Florida Statutes, are amended to read:

394.47891 Veterans treatment court programs.—

(4) ADMISSION.—A defendant who meets the eligibility criteria in paragraph (8) (a) ~~requirements under subsection (8)~~ may be admitted to a veterans treatment court program at any stage of a criminal proceeding. ~~A defendant seeking to participate in a veterans treatment court program must submit an application to the state attorney. The state attorney must review each application and determine whether the defendant meets the eligibility requirements in subsection (8).~~

(8) ELIGIBILITY.—

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

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

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

(b) In making the determination under subparagraph (a)2., ~~the state attorney, in consultation with the court,~~ must consider all of the following:

1. The nature and circumstances of the offense charged.

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88 2. The special characteristics or circumstances of the
89 defendant and any victim or alleged victim, including any
90 recommendation of the victim or alleged victim.

91 3. The defendant's criminal history and whether the
92 defendant previously participated in a veterans treatment court
93 program or similar program.

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

96 5. The impact on the community of the defendant's
97 participation and treatment in the veterans treatment court
98 program.

99 6. Recommendations of any law enforcement agency involved
100 in investigating or arresting the defendant.

101 7. If the defendant owes restitution, the likelihood of
102 payment during the defendant's participation in the veterans
103 treatment court program.

104 8. Any mitigating circumstances.

105 9. Any other circumstances reasonably related to the
106 defendant's case.

107 Section 2. Subsection (9) is added to section 948.01,
108 Florida Statutes, to read:

109 948.01 When court may place defendant on probation or into
110 community control.—

111 (9) (a) Notwithstanding s. 921.0024 and effective for
112 offenses committed on or after July 1, 2016, the sentencing
113 court may place the defendant into a postadjudicatory veterans
114 treatment court program if the offense is a nonviolent felony
115 and the defendant is identified as a veteran or a servicemember,
116 as those terms are defined in s. 394.47891. The satisfactory

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117 completion of the program must be a condition of the defendant's
118 probation or community control. A defendant charged with
119 aggravated assault under s. 784.021 or aggravated battery or
120 attempted aggravated battery under s. 784.045 may participate in
121 the veterans treatment court program if the court so orders
122 after the victim is given his or her right to provide testimony
123 or a written statement to the court as provided in s. 921.143.
124 As used in this paragraph, the term "nonviolent felony" means a
125 third degree felony violation under chapter 810 or any other
126 felony offense that is not a forcible felony as defined in s.
127 776.08.

128 (b) The defendant must be advised by counsel of the purpose
129 of the veterans treatment court program and must agree to enter
130 the program in order to be placed into the program. The original
131 sentencing court shall relinquish jurisdiction of the
132 defendant's case to the postadjudicatory veterans treatment
133 court program until the defendant is no longer active in the
134 program, the case is returned to the sentencing court due to the
135 defendant's termination from the program for failure to comply
136 with the terms thereof, or the defendant's sentence is
137 completed.

138 (c) An offender who is sentenced to a postadjudicatory
139 veterans treatment court program and who, while a participant in
140 veterans treatment court, is the subject of a violation of
141 probation or community control under s. 948.06 must have the
142 violation of probation or community control heard by the judge
143 presiding over the postadjudicatory veterans treatment court
144 program. The judge shall dispose of any such violation as he or
145 she deems appropriate after a hearing on or admission of the

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146 violation if the resulting sentence or conditions are lawful.

147 Section 3. Paragraph (k) of subsection (2) of section
148 948.06, Florida Statutes, is amended to read:

149 948.06 Violation of probation or community control;
150 revocation; modification; continuance; failure to pay
151 restitution or cost of supervision.—

152 (2)

153 (k)1. Notwithstanding s. 921.0024 and effective for
154 offenses committed on or after July 1, 2016, the court may order
155 the offender to successfully complete a postadjudicatory mental
156 health court program under s. 394.47892 or a veterans treatment
157 court program under s. 394.47891 if:

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

160 b. The underlying offense is a nonviolent felony. As used
161 in this sub-subparagraph ~~subsection~~, the term "nonviolent
162 felony" means a third degree felony violation under chapter 810
163 or any other felony offense that is not a forcible felony as
164 defined in s. 776.08. An offender ~~Offenders~~ charged with
165 aggravated assault under s. 784.021, battery on a law
166 enforcement officer under s. 784.07, or resisting an officer
167 with violence under s. 843.01, ~~battery on a law enforcement~~
168 ~~officer under s. 784.07, or aggravated assault~~ may participate
169 in the mental health court program if the court so orders after
170 the victim is given his or her right to provide testimony or a
171 written statement to the court as provided in s. 921.143. An
172 offender charged with aggravated battery or attempted aggravated
173 battery under s. 784.045 or aggravated assault under s. 784.021
174 may participate in the veterans treatment court program if the

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175 court so orders after the victim is given his or her right to
176 provide testimony or a written statement to the court as
177 provided in s. 921.143;

178 c. The court determines that the offender is amenable to
179 the services of a postadjudicatory mental health court program,
180 including taking prescribed medications, or a veterans treatment
181 court program;

182 d. The court explains the purpose of the program to the
183 offender and the offender agrees to participate; and

184 e. The offender is otherwise qualified to participate in a
185 postadjudicatory mental health court program under s.
186 394.47892(4) or a veterans treatment court program under s.
187 394.47891.

188 2. After the court orders the modification of community
189 control or probation, the original sentencing court shall
190 relinquish jurisdiction of the offender's case to the
191 postadjudicatory mental health court program or the veterans
192 treatment court program until the offender is no longer active
193 in the program, the case is returned to the sentencing court due
194 to the offender's termination from the program for failure to
195 comply with the terms thereof, or the offender's sentence is
196 completed.

197 Section 4. Subsection (7) of section 948.08, Florida
198 Statutes, is amended to read:

199 948.08 Pretrial intervention program.—

200 (7) (a) A defendant who meets the following criteria is
201 eligible for voluntary admission into a pretrial veterans
202 treatment court program under s. 394.47891 and must be admitted
203 upon a motion by either party or the court's own motion for an

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204 amount of time determined by the court based on the clinical
205 needs of the defendant:

206 1. person who is charged with a felony, other than a felony
207 listed in s. 948.06(8)(c), and who is identified as a veteran or
208 a servicemember, as those terms are defined in s. 394.47891; s.
209 394.47891(2)(d) or (e), respectively, and

210 2. Is charged with a felony that is not listed in s.
211 948.06(8)(c), excluding s. 948.06(8)(c)3. and 14., after the
212 victim is given his or her right to provide testimony or a
213 written statement to the court as provided under s. 921.143
214 otherwise qualified to participate in a veterans treatment court
215 program under s. 394.47891 is eligible for admission into a
216 veterans treatment court program pursuant to the requirements of
217 s. 394.47891(4) and (8).

218 (b) While enrolled in a pretrial intervention program
219 authorized by this subsection, the participant must ~~shall~~ be
220 subject to a coordinated strategy developed by a veterans'
221 treatment intervention team. The coordinated strategy should be
222 modeled after the therapeutic jurisprudence principles and key
223 components in s. 397.334(4), with treatment specific to the
224 needs of servicemembers and veterans. The coordinated strategy
225 may include a protocol of sanctions that may be imposed upon the
226 participant for noncompliance with program rules. The protocol
227 of sanctions may include, but need not be limited to, placement
228 in a treatment program offered by a licensed service provider or
229 in a jail-based treatment program or serving a period of
230 incarceration within the time limits established for contempt of
231 court. The coordinated strategy must be provided in writing to
232 the participant before the participant agrees to enter into a

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233 pretrial veterans' treatment intervention program or other
234 pretrial intervention program. Any person whose charges are
235 dismissed after successful completion of the pretrial veterans'
236 treatment intervention program, if otherwise eligible, may have
237 his or her arrest record of the dismissed charges expunged under
238 s. 943.0585.

239 (c) At the end of the pretrial intervention period, the
240 court shall consider the recommendation of the program
241 administrator and the recommendation of the state attorney as to
242 disposition of the pending charges. The court shall determine,
243 by written finding, whether the defendant has successfully
244 completed the pretrial intervention program. If the court finds
245 that the defendant has not successfully completed the pretrial
246 intervention program, the court may order the person to continue
247 in education and treatment, which may include treatment programs
248 offered by licensed service providers or jail-based treatment
249 programs, or order that the charges revert to normal channels
250 for prosecution. The court shall dismiss the charges upon a
251 finding that the defendant has successfully completed the
252 pretrial intervention program.

253 Section 5. Subsection (2) of section 43.51, Florida
254 Statutes, is amended to read:

255 43.51 Problem-solving court reports.—

256 (2) For purposes of this section, the term "problem-solving
257 court" includes, but is not limited to, a drug court pursuant to
258 s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s.
259 948.20; a veterans treatment court program pursuant to s.
260 394.47891, s. 948.01, s. 948.08, s. 948.16, or s. 948.21; a
261 mental health court program pursuant to s. 394.47892, s. 948.01,

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262 s. 948.06, s. 948.08, or s. 948.16; a community court pursuant
263 to s. 948.081; or a delinquency pretrial intervention court
264 program pursuant to s. 985.345.

265 Section 6. Paragraph (a) of subsection (5) of section
266 910.035, Florida Statutes, is amended to read:

267 910.035 Transfer from county for plea, sentence, or
268 participation in a problem-solving court.—

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

270 (a) For purposes of this subsection, the term "problem-
271 solving court" means a drug court pursuant to s. 948.01, s.
272 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment
273 court program pursuant to s. 394.47891, s. 948.01, s. 948.08, s.
274 948.16, or s. 948.21; a mental health court program pursuant to
275 s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; or
276 a delinquency pretrial intervention court program pursuant to s.
277 985.345.

278 Section 7. For the purpose of incorporating the amendment
279 made by this act to section 394.47891, Florida Statutes, in a
280 reference thereto, paragraph (a) of subsection (2) of section
281 948.16, Florida Statutes, is reenacted to read:

282 948.16 Misdemeanor pretrial substance abuse education and
283 treatment intervention program; misdemeanor pretrial veterans'
284 treatment intervention program; misdemeanor pretrial mental
285 health court program.—

286 (2)(a) A veteran or a servicemember, as defined in s.
287 394.47891(2)(d) or (c), respectively, who is otherwise qualified
288 to participate in a veterans treatment court program under s.
289 394.47891, and is charged with a misdemeanor is eligible for
290 admission into a misdemeanor veterans treatment court program,

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291 for a period based on the program's requirements and the
292 treatment plan for the offender, pursuant to the requirements of
293 s. 394.47891(4) and (8).

294 Section 8. For the purpose of incorporating the amendment
295 made by this act to section 948.01, Florida Statutes, in a
296 reference thereto, paragraph (c) of subsection (1) of section
297 921.187, Florida Statutes, is reenacted to read:

298 921.187 Disposition and sentencing; alternatives;
299 restitution.—

300 (1) The alternatives provided in this section for the
301 disposition of criminal cases shall be used in a manner that
302 will best serve the needs of society, punish criminal offenders,
303 and provide the opportunity for rehabilitation. If the offender
304 does not receive a state prison sentence, the court may:

305 (c) Place the offender on probation with or without an
306 adjudication of guilt pursuant to s. 948.01.

307 Section 9. For the purpose of incorporating the amendment
308 made by this act to section 948.06, Florida Statutes, in a
309 reference thereto, paragraph (b) of subsection (2) of section
310 948.012, Florida Statutes, is reenacted to read:

311 948.012 Split sentence of probation or community control
312 and imprisonment.—

313 (2) The court may also impose a split sentence whereby the
314 defendant is sentenced to a term of probation which may be
315 followed by a period of incarceration or, with respect to a
316 felony, into community control, as follows:

317 (b) If the offender does not meet the terms and conditions
318 of probation or community control, the court may revoke, modify,
319 or continue the probation or community control as provided in s.

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320 948.06. If the probation or community control is revoked, the
321 court may impose any sentence that it could have imposed at the
322 time the offender was placed on probation or community control.
323 The court may not provide credit for time served for any portion
324 of a probation or community control term toward a subsequent
325 term of probation or community control. However, the court may
326 not impose a subsequent term of probation or community control
327 which, when combined with any amount of time served on preceding
328 terms of probation or community control for offenses pending
329 before the court for sentencing, would exceed the maximum
330 penalty allowable as provided in s. 775.082. Such term of
331 incarceration shall be served under applicable law or county
332 ordinance governing service of sentences in state or county
333 jurisdiction. This paragraph does not prohibit any other
334 sanction provided by law.

335 Section 10. For the purpose of incorporating the amendment
336 made by this act to section 948.06, Florida Statutes, in a
337 reference thereto, subsection (3) of section 948.10, Florida
338 Statutes, is reenacted to read:

339 948.10 Community control programs; home confinement.—

340 (3) Procedures governing violations of community control
341 are the same as those described in s. 948.06 with respect to
342 probation.

343 Section 11. For the purpose of incorporating the amendment
344 made by this act to section 948.06, Florida Statutes, in a
345 reference thereto, section 958.14, Florida Statutes, is
346 reenacted to read:

347 958.14 Violation of probation or community control
348 program.—A violation or alleged violation of probation or the

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349 terms of a community control program shall subject the youthful
350 offender to the provisions of s. 948.06. However, no youthful
351 offender shall be committed to the custody of the department for
352 a substantive violation for a period longer than the maximum
353 sentence for the offense for which he or she was found guilty,
354 with credit for time served while incarcerated, or for a
355 technical or nonsubstantive violation for a period longer than 6
356 years or for a period longer than the maximum sentence for the
357 offense for which he or she was found guilty, whichever is less,
358 with credit for time served while incarcerated.

359 Section 12. For the purpose of incorporating the amendment
360 made by this act to section 948.08, Florida Statutes, in a
361 reference thereto, paragraph (b) of subsection (4) of section
362 796.07, Florida Statutes, is reenacted to read:

363 796.07 Prohibiting prostitution and related acts.-

364 (4)

365 (b) A person who is charged with a third or subsequent
366 violation of this section, other than paragraph (2)(f), shall be
367 offered admission to a pretrial intervention program or a
368 substance abuse treatment program as provided in s. 948.08.

369 Section 13. For the purpose of incorporating the amendment
370 made by this act to section 948.08, Florida Statutes, in a
371 reference thereto, subsection (3) of section 944.026, Florida
372 Statutes, is reenacted to read:

373 944.026 Community-based facilities and programs.-

374 (3)(a) The department shall develop and implement
375 procedures to diagnose offenders prior to sentencing, for the
376 purpose of recommending to the sentencing court suitable
377 candidates for placement in a community-based residential drug

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378 treatment facility or probation and restitution center as
379 provided in this section. The department shall also develop and
380 implement procedures to properly identify inmates prior to
381 release who demonstrate the need for or interest in and
382 suitability for placement in a community-based substance abuse
383 transition housing program as provided in this section and
384 pursuant to ss. 944.4731 and 944.704.

385 (b) Pretrial intervention programs in appropriate counties
386 to provide early counseling and supervision services to
387 specified offenders as provided in s. 948.08.

388 Section 14. For the purpose of incorporating the amendment
389 made by this act to section 948.08, Florida Statutes, in a
390 reference thereto, subsection (1) of section 948.036, Florida
391 Statutes, is reenacted to read:

392 948.036 Work programs as a condition of probation,
393 community control, or other court-ordered community
394 supervision.-

395 (1) Whenever an offender is required by the court to
396 participate in any work program under the provisions of this
397 chapter, enters into the pretrial intervention program pursuant
398 to s. 948.08, or volunteers to work in a supervised work program
399 conducted by a specified state, county, municipal, or community
400 service organization or to work for the victim, either as an
401 alternative to monetary restitution or as a part of the
402 rehabilitative or community control program, the offender shall
403 be considered an employee of the state for the purposes of
404 chapter 440.

405 Section 15. This act shall take effect July 1, 2025.