

1                                    A bill to be entitled  
 2                    An act relating to veterans affairs; amending s.  
 3                    394.47891, F.S.; revising the admissions process for  
 4                    veterans treatment court programs; authorizing courts  
 5                    to determine eligibility for veterans treatment court  
 6                    programs without consultation with the state attorney;  
 7                    amending s. 948.01, F.S.; authorizing sentencing  
 8                    courts to divert defendants to veterans treatment  
 9                    court programs under certain circumstances; requiring  
 10                    certain notice be provided to defendants; providing  
 11                    for disposition of probation or community control  
 12                    violations by program participants; providing an  
 13                    effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

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

19                    394.47891 Veterans treatment court programs.—

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

26 ~~whether the defendant meets the eligibility requirements in~~  
27 ~~subsection (8).~~

28 (8) ELIGIBILITY.—

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

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

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

39 (b) In making the determination under subparagraph (a)2.,  
40 ~~the state attorney, in consultation with the court,~~ must  
41 consider:

42 1. The nature and circumstances of the offense charged.

43 2. The special characteristics or circumstances of the  
44 defendant and any victim or alleged victim, including any  
45 recommendation of the victim or alleged victim.

46 3. The defendant's criminal history and whether the  
47 defendant previously participated in a veterans treatment court  
48 program or similar program.

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

51           5. The impact on the community of the defendant's  
 52 participation and treatment in the veterans treatment court  
 53 program.

54           6. Recommendations of any law enforcement agency involved  
 55 in investigating or arresting the defendant.

56           7. If the defendant owes restitution, the likelihood of  
 57 payment during the defendant's participation in the veterans  
 58 treatment court program.

59           8. Any mitigating circumstances.

60           9. Any other circumstances reasonably related to the  
 61 defendant's case.

62           **Section 2. Subsection (9) is added to section 948.01,**  
 63 **Florida Statutes, to read:**

64           948.01 When court may place defendant on probation or into  
 65 community control.—

66           (9) (a) Notwithstanding s. 921.0024 and effective for  
 67 offenses committed on or after July 1, 2016, the sentencing  
 68 court may place the defendant into a postadjudicatory veterans  
 69 treatment court program if the offense is a nonviolent felony  
 70 and the defendant is a servicemember or veteran as defined in s.  
 71 394.47891(2). Satisfactory completion of the program must be a  
 72 condition of the defendant's probation or community control. As  
 73 used in this subsection, the term "nonviolent felony" means a  
 74 third degree felony violation under chapter 810 or any other  
 75 felony offense that is not a forcible felony as defined in s.

76 776.08.

77 (b) The defendant must be fully advised of the purpose of  
78 the veterans treatment court program, and the defendant must  
79 agree to enter the program. The original sentencing court shall  
80 relinquish jurisdiction of the defendant's case to the  
81 postadjudicatory veterans treatment court program until the  
82 defendant is no longer active in the program, the case is  
83 returned to the sentencing court due to the defendant's  
84 termination from the program for failure to comply with the  
85 terms of the program, or the defendant's sentence is completed.

86 (c) A defendant sentenced to a postadjudicatory veterans  
87 treatment court program and who, while a veterans treatment  
88 court program participant, is the subject of a violation of  
89 probation or community control under s. 948.06 shall have the  
90 violation of probation or community control heard by the judge  
91 presiding over the postadjudicatory veterans treatment court  
92 program. The judge shall dispose of any such violation, after a  
93 hearing on or admission of the violation, as he or she deems  
94 appropriate if the resulting sentence or conditions are lawful.

95 **Section 3.** This act shall take effect July 1, 2025.