

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  
 5           multidisciplinary teams to determine eligibility for  
 6           veterans treatment court programs; amending s. 948.01,  
 7           F.S.; authorizing sentencing courts to divert  
 8           defendants to veterans treatment court programs under  
 9           certain circumstances; requiring certain notice be  
 10          provided to defendants; providing for disposition of  
 11          probation or community control violations by program  
 12          participants; providing an effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16           **Section 1. Subsections (4) and (8) of section 394.47891,**  
 17 **Florida Statutes, are amended to read:**

18           394.47891 Veterans treatment court programs.—

19           (4) ADMISSION.—Entry into a postadjudicatory veterans  
 20 treatment court program as a condition of probation or community  
 21 control pursuant to s. 948.01 or s. 948.06 must be based upon A  
 22 defendant who meets the eligibility requirements provided in  
 23 under subsection (8) may be admitted to a veterans treatment  
 24 court program at any stage of a criminal proceeding. A defendant  
 25 seeking to participate in a veterans treatment court program

26 ~~must submit an application to the state attorney. The state~~  
27 ~~attorney must review each application and determine whether the~~  
28 ~~defendant meets the eligibility requirements in subsection (8).~~

29 (8) ELIGIBILITY.—

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

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

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

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

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

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

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

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

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

56 6. Recommendations of any law enforcement agency involved  
57 in investigating or arresting the defendant.

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

61 8. Any mitigating circumstances.

62 9. Any other circumstances reasonably related to the  
63 defendant's case.

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

66 948.01 When court may place defendant on probation or into  
67 community control.—

68 (9) (a) Notwithstanding s. 921.0024 and effective for  
69 offenses committed on or after July 1, 2016, the sentencing  
70 court may place the defendant into a postadjudicatory veterans  
71 treatment court program if the offense is a nonviolent felony  
72 and the defendant is a servicemember or veteran as defined in s.  
73 394.47891(2). Satisfactory completion of the program must be a  
74 condition of the defendant's probation or community control. As  
75 used in this subsection, the term "nonviolent felony" means a

76 third degree felony violation under chapter 810 or any other  
77 felony offense that is not a forcible felony as defined in s.  
78 776.08.

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

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

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