

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

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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 provided in ~~under~~ subsection (8) may be admitted to
22 a veterans treatment court program at any stage of a criminal
23 proceeding. ~~A defendant seeking to participate in a veterans~~
24 ~~treatment court program must submit an application to the state~~
25 ~~attorney. The state attorney must review each application and~~

26 ~~determine whether the defendant meets the eligibility~~
27 ~~requirements in 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,~~ in consultation with the
32 multidisciplinary team, and meets the following criteria:

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

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

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

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

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

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

50 4. Whether the defendant's needs exceed the treatment

resources available to the veterans treatment court program.

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

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

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

8. Any mitigating circumstances.

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

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

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

(9) (a) Notwithstanding s. 921.0024 and effective for offenses committed on or after July 1, 2016, the sentencing court may place the defendant into a postadjudicatory veterans treatment court program if the offense is a nonviolent felony, the defendant is a servicemember or veteran as defined in s. 394.47891(2), and the defendant is otherwise qualified to participate in a veterans treatment court program under s. 394.47891(8). Satisfactory completion of the program must be a condition of the defendant's probation or community control. As

76 used in this subsection, the term "nonviolent felony" means a
77 third degree felony violation under chapter 810 or any other
78 felony offense that is not a forcible felony as defined in s.
79 776.08.

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

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

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