

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: CS/SB 50

INTRODUCER: Criminal Justice Committee and Senator Gaetz

SUBJECT: Veterans Affairs

DATE: January 29, 2026

REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION      |
|----|---------|----------------|-----------|-------------|
| 1. | Wyant   | Stokes         | CJ        | Fav/CS      |
| 2. | Bond    | Cibula         | JU        | Pre-meeting |
| 3. |         |                | RC        |             |

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 50 repeals the exclusive authority of a state attorney to approve or deny admission of a defendant or offender into a veterans treatment court program. The bill gives the authority to the court or to a multidisciplinary team.

The bill also gives a sentencing court the authority to place an offender into a postadjudicatory veterans treatment court program if he or she was convicted of a misdemeanor or a nonviolent felony and if the offender otherwise meets the program requirements.

The bill may have an indeterminate fiscal impact on the Office of the State Courts Administrator. See *Section V. Fiscal Impact Statement*.

The bill takes effect on July 1, 2026.

**II. Present Situation:**

Veterans have unique experiences and face unique challenges. As a result, they have unique needs. Veterans treatment court programs are but one form of state aid provided to veterans.

## Background

### *Specialty Courts In General*

The court system has developed several specialty courts to address certain problems in society and to assist certain populations. The concept of a veterans treatment court program is a combination of features found in the drug court programs and the mental health court programs. Each of these problem-solving courts is administratively assisted by the Office of the State Courts Administrator's Office of Court Improvement.<sup>1</sup>

### *Veterans Treatment Courts in General*

Veterans treatment courts are designed to assist justice-involved defendants with the complex treatment needs associated with substance abuse, mental health, and other issues unique to the traumatic experiences that may result from military service. Some veterans returning home from service find it difficult to integrate back into the community. It is the intent of the Legislature to encourage and support the judicial circuits of the state and other agencies, local governments, interested public and private entities, and individuals to create and maintain a veterans treatment court program in each judicial circuit.<sup>2</sup> A court having jurisdiction over criminal cases may create and administer a veterans treatment court program that may adjudicate misdemeanors and felonies.<sup>3</sup>

A veterans treatment court program is typically administered by a multidisciplinary team. Current law does not specify who is appointed to these teams, thus its composition is a matter of local rule and custom at the direction of the chief judge of the circuit. Veterans treatment court programs typically involve cooperation and collaboration with traditional partners found in the similar drug court programs, such as the judge, state attorney, public defender, case manager, treatment provider, probation, and law enforcement agencies. Added to this interdisciplinary team are representatives of the Veterans Health Administration and the Veterans Benefit Administration – as well as State Departments of Veteran Affairs, Veteran Centers, Veterans Service Organizations, Department of Labor, volunteer veteran mentors, and other veteran support groups.<sup>4</sup>

The following are key components of a veterans treatment court program:<sup>5</sup>

- Integration of alcohol, drug treatment, and mental health services into justice system case processing;<sup>6</sup>
- Non-adversarial approach;<sup>7</sup>

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<sup>1</sup> Office of the State Court Administrator, Veterans Resource Guide, *Office of the State Courts Administrator*, pp 13 and 17, available at: [https://flcourts-media.flcourts.gov/content/download/2450937/file/VETERANS\\_RESOURCE\\_GUIDE\\_ADA-Compliant.pdf](https://flcourts-media.flcourts.gov/content/download/2450937/file/VETERANS_RESOURCE_GUIDE_ADA-Compliant.pdf) (last visited January 26, 2026).

<sup>2</sup> Section 394.47891(1), F.S.

<sup>3</sup> Section 394.47891(3)(a)-(b), F.S.

<sup>4</sup> Florida Courts, Veteran Courts, *Background*, available at: <https://www.flcourts.gov/Services/Problem-Solving-Courts/problem-solving-court-types/veterans-courts> (last visited January 6, 2026).

<sup>5</sup> Florida Courts, Veteran Courts, *Current Status*, available at: <https://www.flcourts.gov/Services/Problem-Solving-Courts/problem-solving-court-types/veterans-courts> (last visited January 6, 2026).

<sup>6</sup> Required by s. 394.47891(6)(a)1., F.S.

<sup>7</sup> Required by s. 394.47891(6)(a)2., F.S.

- Early identification of eligible participants;<sup>8</sup>
- Continuum of services;
- Alcohol and drug testing for abstinence;<sup>9</sup>
- Coordinated strategy for responses to participants' compliance;
- Ongoing judicial interaction;<sup>10</sup>
- Monitoring and evaluation for program effectiveness;
- Interdisciplinary education; and,
- Partnerships with stakeholders.<sup>11</sup>

### ***Veterans Treatment Courts – Currently***

As of October 2025, Florida has 33 veterans treatment court programs in operation. Florida veterans treatment courts admitted 683 participants in 2024.<sup>12</sup>

### **Referral to a Veterans Treatment Court Program**

Referral to a veterans treatment court program is governed by numerous overlapping statutes:

#### ***Referral to Veterans Treatment Court Program Under s. 394.47891, F.S.***

Section 394.47891, F.S., provides that any criminal defendant who meets the eligibility requirements may be admitted to a veterans treatment court program at any stage of a criminal proceeding.<sup>13</sup> Veterans and servicemembers alike may apply. A veteran does not have an enforceable right to participate in a veterans treatment court program.<sup>14</sup>

A defendant seeking to participate in a veterans treatment court program must apply to the state attorney and the state attorney must review each application to determine whether the defendant meets the eligibility requirements. A defendant may participate in the program if he or she is approved by the state attorney, in consultation with the court, and meets the following criteria:<sup>15</sup>

- 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.<sup>16</sup>
- 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.

<sup>8</sup> Required by s. 394.47891(6)(a)3., F.S.

<sup>9</sup> Required by s. 394.47891(6)(a)4., F.S.

<sup>10</sup> Required by s. 394.47891(6)(a)5., F.S.

<sup>11</sup> Required by s. 394.47891(6)(a)7., F.S.

<sup>12</sup> Office of the State Courts Administrator, *Veterans Courts*, at <https://www.flcourts.gov/Services/Problem-Solving-Courts/problem-solving-court-types/veterans-courts>.

<sup>13</sup> Section 394.47891(4), F.S. This statute and other laws discussed in this analysis may apply also to someone convicted of a crime and serving a term of probation or community control, where the technical reference to a would be to an "offender."

<sup>14</sup> Section 394.47891(10), F.S.

<sup>15</sup> Section 394.47891(8)(a), F.S.

<sup>16</sup> "Military sexual trauma" means psychological trauma that results from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while a servicemember or veteran was serving on active duty, active duty for training, or inactive duty training. Section 394.47891(2)(b), F.S.

In making the determination, the state attorney, in consultation with the court, must consider:<sup>17</sup>

- The nature and circumstances of the offense charged.
- The special characteristics or circumstances of the defendant and any victim or alleged victim, including any recommendation of the victim or alleged victim.
- The defendant's criminal history and whether the defendant previously participated in a veterans treatment court program or similar program.
- Whether the defendant's needs exceed the treatment resources available to the veterans treatment court program.
- The impact on the community of the defendant's participation and treatment in the veterans treatment court program.
- Recommendations of any law enforcement agency involved in investigating or arresting the defendant.
- If the defendant owes restitution, the likelihood of payment during the defendant's participation in the veterans treatment court program.
- Any mitigating circumstances.
- Any other circumstances reasonably related to the defendant's case.

The chief judge and state attorney of the judicial circuit have the exclusive authority to determine whether veterans who have been dishonorably discharged may participate in the program.<sup>18</sup> This appears to be a limitation on whether a program in general may admit dishonorably discharged veterans.

***Referral to a Veterans Treatment Court Program under s. 948.08(7)(a), F.S.  
(Pretrial Intervention)***

A veteran or a servicemember charged with a misdemeanor or felony offense may be referred to a veterans treatment court program as pretrial intervention.<sup>19</sup> However, this statute prohibits referral if the defendant is charged with any of these felony offenses:<sup>20</sup>

- Kidnapping or attempted kidnapping under s. 787.01, false imprisonment of a child under the age of 13 under s. 787.02(3), F.S., or luring or enticing a child under s. 787.025(2)(b) or (c), F.S.
- Murder or attempted murder under s. 782.04, F.S., attempted felony murder under s. 782.051, F.S., or manslaughter under s. 782.07, F.S.
- Aggravated battery or attempted aggravated battery under s. 784.045, F.S.
- Sexual battery or attempted sexual battery under s. 794.011(2), (3), (4), or (8)(b) or (c), F.S.
- Lewd or lascivious battery or attempted lewd or lascivious battery under s. 800.04(4), F.S., lewd or lascivious molestation under s. 800.04(5)(b) or (c)2., F.S., lewd or lascivious conduct under s. 800.04(6)(b), F.S., lewd or lascivious exhibition under s. 800.04(7)(b), F.S., or lewd or lascivious exhibition on computer under s. 847.0135(5)(b), F.S.
- Robbery or attempted robbery under s. 812.13, F.S., carjacking or attempted carjacking under s. 812.133, F.S., or home invasion robbery or attempted home invasion robbery under s. 812.135, F.S.

<sup>17</sup> Section 394.47891(8)(b), F.S.

<sup>18</sup> Section 394.47891(3)(d), F.S.

<sup>19</sup> Section 948.08(7)(a), F.S.

<sup>20</sup> The statute refers to the list at s. 948.06(8)(c), F.S.

- Lewd or lascivious offense upon or in the presence of an elderly or disabled person or attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person under s. 825.1025, F.S.
- Sexual performance by a child or attempted sexual performance by a child under s. 827.071, F.S.
- Computer pornography under s. 847.0135(2) or (3), F.S., transmission of child pornography under s. 847.0137, F.S., or selling or buying of minors under s. 847.0145, F.S.
- Poisoning food or water under s. 859.01, F.S.
- Abuse of a dead human body under s. 872.06, F.S.
- Any burglary offense or attempted burglary offense that is either a first degree felony or second degree felony under s. 810.02(2) or (3), F.S.
- Arson or attempted arson under s. 806.01(1), F.S.
- Aggravated assault under s. 784.021, F.S.
- Aggravated stalking under s. 784.048(3), (4), (5), or (7), F.S.
- Aircraft piracy under s. 860.16, F.S.
- Unlawful throwing, placing, or discharging of a destructive device or bomb under s. 790.161(2), (3), or (4), F.S.
- Treason under s. 876.32, F.S.
- Any offense committed in another jurisdiction which would be an offense listed if that offense had been committed in this state.

***Referral to a Veterans Treatment Court Program under s. 948.16(2), F.S. (Pretrial Intervention)***

A veteran or a servicemember charged with only misdemeanor offenses may be referred to a veterans treatment court program as a pretrial intervention.<sup>21</sup>

***Referral to a Veterans Treatment Court Program under s. 948.21(4), F.S. (Sentencing)***

Current law implies that incarceration is the appropriate sentence for the commission of a crime unless the sentencing court finds that probation or community control is appropriate.<sup>22</sup> As a part of probation or community control ordered at sentencing, a trial court adjudicating an offense may order the offender to participate in a veterans treatment court program if the offense was committed on or after July 1, 2021.<sup>23</sup> Offenses committed by a veteran on or after July 1, 2012 and prior to July 1, 2021 may be referred to an unspecified treatment program.

***Referral to a Veterans Treatment Court Program under s. 948.01, F.S. (Sentencing)***

Section 948.01, F.S., governs referrals to mental health treatment court<sup>24</sup> and referrals to drug court,<sup>25</sup> but does not specifically have any provision for referrals to a veterans treatment court program.

<sup>21</sup> Section 948.16(2), F.S.

<sup>22</sup> Sections 921.0024 and 948.01(2), F.S.

<sup>23</sup> Section 948.21(4), F.S.

<sup>24</sup> Section 948.01(8)(a), F.S.

<sup>25</sup> Section 948.01(7)(a), F.S.

***Referral to a Veterans Treatment Court Program under s. 948.06(2)(k) (Violation of Probation or Community Control)***

If the offense was committed on or after July 1, 2016, an offender who has been found guilty of, or who admits to, violating his or her community control or probation may be ordered to successfully complete a veterans court treatment program.<sup>26</sup> The court may only refer the violation to a veterans treatment court program if the underlying offense is a nonviolent felony. For purposes of this statute, a nonviolent felony is any felony other than the following:

- A second degree or higher felony related to burglary or trespass.
- Treason.
- Murder.
- Manslaughter.
- Sexual battery.
- Carjacking.
- Home-invasion robbery.
- Robbery.
- Burglary.
- Arson.
- Kidnapping.
- Aggravated assault.
- Aggravated battery.
- Aggravated stalking.
- Aircraft piracy.
- Unlawful throwing, placing, or discharging of a destructive device or bomb.
- Any other felony which involves the use or threat of physical force or violence against any individual.

***Inconsistencies in the Current Law***

There are two inconsistencies in the current statutory law:

***Control Over Admission to the Program***

Section 394.47891, F.S., provides that admission to a veterans treatment court program requires application to the state attorney and the subsequent consent of the state attorney. However, the remaining statutes listed above provide that the court controls admission, and thus may refer an otherwise qualifying defendant to a veterans treatment court program with or without the consent of the state attorney. Case law resolved this conflict in favor of control by the state attorney, pursuant to s. 394.47891, F.S.<sup>27</sup>

***Disqualification for Admission to a Program***

One statute above provides that all felonies are disqualifying, two statutes have a list of disqualifying felonies, and two allow referral regardless of the charges. These inconsistencies are unresolved.

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<sup>26</sup> Section 948.06(2)(k), F.S.

<sup>27</sup> *State v. Mancuso*, 355 So.3d 942 (Fla. 4<sup>th</sup> DCA 2023).

### III. Effect of Proposed Changes:

#### Amendment of s. 394.47891, F.S.

The bill amends s. 394.47891, F.S., to revise the admissions process for veterans treatment court programs.

The bill amends the process for admission in s. 394.47891(4), F.S., to authorize the court, at any stage of the criminal case, to refer a defendant to a veterans treatment court program. The court's decision must be based upon its assessment of the defendant's criminal history, substance abuse screening outcome, amenability to the services of the program, total sentence points, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

The current requirement in subsection (4) for a defendant to apply to the state attorney and giving the state attorney the right to approve or deny entry into a veterans treatment court program are repealed. The bill also amends subsection (8) to repeal the authority of the state attorney to determine eligibility. Instead, the bill gives the authority to determine whether the defendant is eligible to participate in the veterans treatment court program to a "multidisciplinary team."

#### Creation of s. 948.01(9), F.S.

The bill amends s. 948.01, F.S., creating subsection (9) to authorize a sentencing court to place an offender into a postadjudicatory veterans treatment court program if:

- The offense is a nonviolent felony committed on or after July 1, 2026;
- The offender is a servicemember or veteran; and
- The offender is otherwise eligible to participate, which eligibility is by reference to s. 394.47891(8), F.S.

The disqualifying felonies for this subsection (9) are the same as those that are disqualifying under s. 948.06(2)(k), F.S., relating to referral to a veterans treatment court program after violation of probation or community control.

The offender must be fully advised of the purpose of the veterans treatment court program and agree to enter the program. The sentencing court must relinquish jurisdiction to the veterans treatment court program until:

- The offender is no longer active in the program;
- The case is returned to the sentencing court due to the offender's termination from the program for failure to comply with the terms of the program; or,
- The offender's sentence is completed.

An offender sentenced to postadjudicatory veterans treatment court program who violates probation or community control will have the violation heard by the judge presiding over the postadjudicatory veterans treatment court program. The judge must dispose of any such violation, after a hearing or admission of the violation, as he or she deems appropriate if the resulting sentence or conditions are lawful.

Satisfactory completion of the program must be a condition of the offender's probation or community control.

**Effective Date**

The bill takes effect on July 1, 2026.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Funding for problem solving treatment courts is generally received by legislative appropriation, grants, and local community resources funded by other entities.

The Office of the State Courts Administrator agency analysis provided the following statement regarding expenditures:

“The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the effects on judicial time and workload resulting in revising approval requirements for veterans treatment court admissions.... However, legislation that may increase participation in veterans treatment court programs could result in a fiscal impact to the trial courts problem-solving courts special funding category.”<sup>28</sup>

Potential cost incurred by an increase in participants may be offset by applicable offenders being diverted from detention or incarceration.

## **VI. Technical Deficiencies:**

The bill appears inconsistent on the authority to admit a defendant or offender into a veterans treatment court program, at one point indicating that the court must approve, at another point indicating that the multidisciplinary team alone may approve.

The bill references a “multidisciplinary team” without providing who is on the team. While teams appear to exist and operate today, their authority to exist is not clear. Ideally, the bill would provide the membership (who appoints, who qualifies, who removes, do the members have fixed terms, are they paid, are they reimbursed for expenses, and who provides administrative support). At a minimum, the bill could defer those decisions to a local authority.

The current statutes regarding veterans treatment court programs appear to have conflicting requirements and conditions for referral to a program and conflicting disqualifiers. The bill does not appear to resolve those conflicts, and indeed adds a new statute at s. 948.01(9)(a), F.S. that appears to continue with the inconsistencies.

## **VII. Related Issues:**

None.

## **VIII. Statutes Affected:**

This bill substantially amends sections 394.47891 and 948.01 of the Florida Statutes.

## **IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

### **CS by Criminal Justice on January 12, 2026:**

This Committee Substitute:

- Allows for a multidisciplinary team to consider the eligibility of a defendant for a veterans treatment court program.

<sup>28</sup> Office of the State Courts Administrator, *Agency Bill Analysis for SB50*, (on file with the Senate Committee on Criminal Justice).

- Requires for entry into the program to be based upon the sentencing court's assessment of the defendant's criminal history, substance abuse screening outcome, amenability to the services of the program, total sentence points, the recommendation of the state attorney and the victim, and the defendant's agreement to enter the program.
- Modifies the date provided for offenses eligible for a postadjudicatory veterans treatment court from July 1, 2016, to July 1, 2026.

B. Amendments:

None.