

By Senator Gaetz

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A bill to be entitled
An act relating to veterans affairs; amending s.
394.47891, F.S.; revising the admissions process for
veterans treatment court programs; authorizing the
court, in consultation with the multidisciplinary
team, to determine eligibility for veterans treatment
court programs; amending s. 948.01, F.S.; authorizing
sentencing courts to divert defendants to veterans
treatment court programs under certain circumstances;
requiring that certain notice be provided to
defendants; providing for disposition of probation or
community control violations by program participants;
providing an effective date.

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
requirements provided in ~~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

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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
51 resources available to the veterans treatment court program.

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

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

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

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59 treatment court program.

60 8. Any mitigating circumstances.

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

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

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

67 (9)(a) Notwithstanding s. 921.0024 and effective for
68 offenses committed on or after July 1, 2016, the sentencing
69 court may place the defendant into a postadjudicatory veterans
70 treatment court program if the offense is a nonviolent felony,
71 the defendant is a servicemember or veteran as those terms are
72 defined in s. 394.47891(2), and the defendant is otherwise
73 qualified to participate in a veterans treatment court program
74 under s. 394.47891(8). Satisfactory completion of the program
75 must be a condition of the defendant's probation or community
76 control. As used in this subsection, the term "nonviolent
77 felony" means a third degree felony violation under chapter 810
78 or any other felony offense that is not a forcible felony as
79 defined in s. 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

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

98 Section 3. This act shall take effect July 1, 2026.