

By the Committee on Criminal Justice; and Senator Gaetz

591-01879A-26

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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  
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 a defendant's  
satisfactory completion of the program be a condition  
of the defendant's probation or community control;  
defining the term "nonviolent felony"; 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. Entry into a veterans treatment court program must  
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

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points, the recommendation of the state attorney and the victim,  
if any, and the defendant's agreement to enter the program. 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  
court program if he or she is approved by the multidisciplinary  
~~team state attorney, in consultation with the court,~~ and meets  
the following criteria:

1. 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.

2. 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.

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

1. The nature and circumstances of the offense charged.

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

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

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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, 2026, 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 those terms are 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 used in this subsection, the term "nonviolent felony" means a third degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as

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88 defined in s. 776.08.

89 (b) The defendant must be fully advised of the purpose of  
90 the veterans treatment court program, and the defendant must  
91 agree to enter the program. The original sentencing court shall  
92 relinquish jurisdiction of the defendant's case to the  
93 postadjudicatory veterans treatment court program until the  
94 defendant is no longer active in the program, the case is  
95 returned to the sentencing court due to the defendant's  
96 termination from the program for failure to comply with the  
97 terms of the program, or the defendant's sentence is completed.

98 (c) A defendant sentenced to a postadjudicatory veterans  
99 treatment court program who, while a veterans treatment court  
100 program participant, is the subject of a violation of probation  
101 or community control under s. 948.06 shall have the violation of  
102 probation or community control heard by the judge presiding over  
103 the postadjudicatory veterans treatment court program. The judge  
104 shall dispose of any such violation, after a hearing on or  
105 admission of the violation, as he or she deems appropriate if  
106 the resulting sentence or conditions are lawful.

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