

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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30 points, the recommendation of the state attorney and the victim,
31 if any, and the defendant's agreement to enter the program. A
32 defendant seeking to participate in a veterans treatment court
33 program must submit an application to the state attorney. The
34 state attorney must review each application and determine
35 whether the defendant meets the eligibility requirements in
36 subsection (8).

37 (8) ELIGIBILITY.—

38 (a) A defendant may participate in a veterans treatment
39 court program if he or she is approved by the multidisciplinary
40 team state attorney, in consultation with the court, and meets
41 the following criteria:

42 1. The defendant has a service-related mental health
43 condition, service-related traumatic brain injury, service-
44 related substance use disorder, or service-related psychological
45 problem or has experienced military sexual trauma.

46 2. The defendant's participation in the veterans treatment
47 court program is in the interest of justice and of benefit to
48 the defendant and the community.

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

52 1. The nature and circumstances of the offense charged.
53 2. The special characteristics or circumstances of the
54 defendant and any victim or alleged victim, including any
55 recommendation of the victim or alleged victim.

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

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

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

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

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

69 8. Any mitigating circumstances.

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

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

74 948.01 When court may place defendant on probation or into
75 community control.—

76 (9) (a) Notwithstanding s. 921.0024 and effective for
77 offenses committed on or after July 1, 2026, the sentencing
78 court may place the defendant into a postadjudicatory veterans
79 treatment court program if the offense is a nonviolent felony,
80 the defendant is a servicemember or veteran as those terms are
81 defined in s. 394.47891(2), and the defendant is otherwise
82 qualified to participate in a veterans treatment court program
83 under s. 394.47891(8). Satisfactory completion of the program
84 must be a condition of the defendant's probation or community
85 control. As used in this subsection, the term "nonviolent
86 felony" means a third degree felony violation under chapter 810
87 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.