

1 A bill to be entitled
2 An act relating to veterans treatment court programs;
3 amending s. 394.47891, F.S.; providing legislative
4 intent; providing definitions; authorizing certain
5 courts to create and administer veterans treatment
6 court programs; authorizing certain eligible
7 defendants to be admitted to a veterans treatment
8 court program at any stage of a criminal proceeding;
9 requiring such defendants to submit an application for
10 participation in a veterans treatment court program to
11 the state attorney for review; requiring each veterans
12 treatment court program to seek input from certain
13 persons in developing and adopting certain policies
14 and procedures; requiring that a court create a record
15 of such policies and procedures; providing eligibility
16 criteria for participation in the veterans treatment
17 court program; providing that the act does not create
18 a right to participate; providing for liberal
19 construction; deleting provisions addressing the
20 Military Veterans and Servicemembers Court Program;
21 amending ss. 43.51, 910.035, and 948.06, F.S.;
22 conforming provisions to changes made by the act;
23 amending ss. 948.08 and 948.16, F.S.; revising
24 eligibility for pretrial programs; amending s. 948.21,
25 F.S.; authorizing a court to impose a condition

26 requiring certain probationers or community
 27 controllees to participate in certain treatment
 28 programs under certain circumstances; providing
 29 applicability; providing an effective date.

30

31 Be It Enacted by the Legislature of the State of Florida:

32

33 Section 1. Section 394.47891, Florida Statutes, is amended
 34 to read:

35 394.47891 ~~Military Veterans treatment and servicemembers~~
 36 court programs.—

37 (1) LEGISLATIVE INTENT.—It is the intent of the
 38 Legislature to encourage and support the judicial circuits of
 39 the state and other agencies, local governments, interested
 40 public and private entities, and individuals to create and
 41 maintain a veterans treatment court program in each judicial
 42 circuit. The purpose of a veterans treatment court program is to
 43 address the underlying causes of a veteran's involvement with
 44 the judicial system through the use of specialized dockets,
 45 multidisciplinary teams, and evidence-based treatment. A
 46 veterans treatment court program shall use nonadversarial
 47 approaches to resolve such underlying causes. Veterans treatment
 48 court programs depend on the leadership of attorneys and judges
 49 or magistrates who are educated in the issues and science of
 50 veterans' behaviors leading to court involvement and require a

51 rigorous team effort to detect, discern, and assist veterans in
52 correcting the behaviors and choices that lead to the veterans'
53 court involvement. This section creates a detailed statewide
54 standard for the creation, operation, and procedures for
55 veterans treatment court programs.

56 (2) DEFINITIONS.—For purposes of this section, the term:

57 (a) "Defendant" means a veteran or servicemember who has
58 been charged with or convicted of a criminal offense.

59 (b) "Military sexual trauma" means psychological trauma
60 that results from a physical assault of a sexual nature, battery
61 of a sexual nature, or sexual harassment which occurred while a
62 servicemember or veteran was serving on active duty, active duty
63 for training, or inactive duty training.

64 (c) "Servicemember" means:

65 1. A member of the active or reserve components of the
66 United States Army, Navy, Air Force, Marine Corps, Space Force,
67 or Coast Guard;

68 2. A member of the Florida National Guard;

69 3. A current or former contractor for the United States
70 Department of Defense; or

71 4. A current or former military member of a foreign allied
72 country.

73 (d) "Veteran" means a person who has served in the
74 military.

75 (e) "Veterans treatment court program" means a specialized

76 docket administered by a court for veterans and servicemembers
77 as set forth in this section.

78 (3) AUTHORIZATION.—

79 (a) A court with jurisdiction over criminal cases may
80 create and administer a veterans treatment court program.

81 (b) A veterans treatment court program may adjudicate
82 misdemeanors and felonies.

83 (c) The chief judge may issue administrative orders
84 concerning the veterans treatment court program.

85 (d) The chief judge and state attorney of the judicial
86 circuit that creates and administers a veterans treatment court
87 program have the exclusive authority to determine whether
88 veterans who have been dishonorably discharged may participate
89 in the veterans treatment court program within the circuit.

90 (4) ADMISSION.—A defendant who meets the eligibility
91 requirements under subsection (8) may be admitted to a veterans
92 treatment court program at any stage of a criminal proceeding. A
93 defendant seeking to participate in a veterans treatment court
94 program must submit an application to the state attorney. The
95 state attorney must review each application and determine
96 whether the defendant meets the eligibility requirements in
97 subsection (8).

98 (5) RECORD OF POLICIES AND PROCEDURES.—

99 (a) Each veterans treatment court program shall seek input
100 from the state attorney and other interested persons in

101 developing and adopting policies and procedures to implement
102 subsections (6) and (7).

103 (b) A veterans treatment court program shall create a
104 record of the policies and procedures adopted to implement
105 subsections (6) and (7).

106 (6) KEY COMPONENTS OF A VETERANS TREATMENT COURT PROGRAM.—

107 (a) A veterans treatment court program shall adopt
108 policies and procedures to implement the following key
109 components, including:

110 1. Integrating substance abuse and mental health treatment
111 services, and any other related treatment and rehabilitation
112 services with justice system case processing.

113 2. Using a nonadversarial approach in which the state
114 attorney and defense counsel promote public safety while
115 protecting the due process rights of the defendant.

116 3. Providing for early identification of eligible
117 defendants.

118 4. Monitoring defendants for abstinence from alcohol and
119 drugs by frequent testing.

120 5. Providing ongoing judicial interaction with each
121 defendant.

122 6. Monitoring and evaluating the achievement of each
123 defendant's program goals.

124 7. Forging partnerships among the veterans treatment court
125 programs, the United States Department of Veterans Affairs, the

126 Florida Department of Veterans' Affairs, public agencies, and
127 community-based organizations to generate local support and
128 enhance the effectiveness of the veterans treatment court
129 program.

130 (b) In adopting policies and procedures under this
131 section, the court shall consult nationally recognized best
132 practices related to the key components of veterans treatment
133 court programs.

134 (7) SUPPLEMENTAL POLICIES AND PROCEDURES OF VETERANS
135 TREATMENT COURT PROGRAMS.—A veterans treatment court program may
136 adopt supplemental policies and procedures to:

137 (a) Refer a defendant with a medical need to an
138 appropriate health care provider or refer a defendant for
139 appropriate assistance, including assistance with housing,
140 employment, nutrition, mentoring, education, and driver license
141 reinstatement.

142 (b) Otherwise encourage participation in the veterans
143 treatment court program.

144 (8) ELIGIBILITY.—

145 (a) A defendant may participate in a veterans treatment
146 court program if he or she is approved by the state attorney, in
147 consultation with the court, and meets the following criteria:

148 1. The defendant has a service-related mental health
149 condition, service-related traumatic brain injury, service-

150 related substance use disorder, or service-related psychological
151 problem or has experienced military sexual trauma.

152 2. The defendant's participation in the veterans treatment
153 court program is in the interest of justice and of benefit to
154 the defendant and the community.

155 (b) In making the determination under subparagraph (a)2.,
156 the state attorney, in consultation with the court, must
157 consider:

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

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

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

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

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

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

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

175 8. Any mitigating circumstances.
 176 9. Any other circumstances reasonably related to the
 177 defendant's case.
 178 (9) LIBERAL CONSTRUCTION.-The provisions of this section
 179 shall be liberally construed.
 180 (10) NO RIGHT TO PARTICIPATE.-This section does not create
 181 a right of a veteran or servicemember to participate in a
 182 veterans treatment court program ~~The chief judge of each~~
 183 ~~judicial circuit may establish a Military Veterans and~~
 184 ~~Servicemembers Court Program under which veterans, as defined in~~
 185 ~~s. 1.01; veterans who were discharged or released under any~~
 186 ~~condition; servicemembers, as defined in s. 250.01; individuals~~
 187 ~~who are current or former United States Department of Defense~~
 188 ~~contractors; and individuals who are current or former military~~
 189 ~~members of a foreign allied country, who are charged or~~
 190 ~~convicted of a criminal offense, and who suffer from a military-~~
 191 ~~related mental illness, traumatic brain injury, substance abuse~~
 192 ~~disorder, or psychological problem can be sentenced in~~
 193 ~~accordance with chapter 921 in a manner that appropriately~~
 194 ~~addresses the severity of the mental illness, traumatic brain~~
 195 ~~injury, substance abuse disorder, or psychological problem~~
 196 ~~through services tailored to the individual needs of the~~
 197 ~~participant. Entry into any Military Veterans and Servicemembers~~
 198 ~~Court Program must be based upon the sentencing court's~~
 199 ~~assessment of the defendant's criminal history, military~~

200 ~~service, substance abuse treatment needs, mental health~~
 201 ~~treatment needs, amenability to the services of the program, the~~
 202 ~~recommendation of the state attorney and the victim, if any, and~~
 203 ~~the defendant's agreement to enter the program.~~

204 Section 2. Subsection (2) of section 43.51, Florida
 205 Statutes, is amended to read:

206 43.51 Problem-solving court reports.—

207 (2) For purposes of this section, the term "problem-
 208 solving court" includes, but is not limited to, a drug court
 209 pursuant to s. 397.334, s. 948.01, s. 948.06, s. 948.08, s.
 210 948.16, or s. 948.20; a veterans treatment ~~military veterans'~~
 211 ~~and servicemembers'~~ court program pursuant to s. 394.47891, s.
 212 948.08, s. 948.16, or s. 948.21; a mental health court program
 213 pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s.
 214 948.16; a community court pursuant to s. 948.081; or a
 215 delinquency pretrial intervention court program pursuant to s.
 216 985.345.

217 Section 3. Paragraph (a) of subsection (5) of section
 218 910.035, Florida Statutes, is amended to read:

219 910.035 Transfer from county for plea, sentence, or
 220 participation in a problem-solving court.—

221 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING
 222 COURT.—

223 (a) For purposes of this subsection, the term "problem-
 224 solving court" means a drug court pursuant to s. 948.01, s.

225 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment
226 ~~military veterans' and servicemembers'~~ court program pursuant to
227 s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental
228 health court program pursuant to s. 394.47892, s. 948.01, s.
229 948.06, s. 948.08, or s. 948.16; or a delinquency pretrial
230 intervention court program pursuant to s. 985.345.

231 Section 4. Paragraph (k) of subsection (2) of section
232 948.06, Florida Statutes, is amended to read:

233 948.06 Violation of probation or community control;
234 revocation; modification; continuance; failure to pay
235 restitution or cost of supervision.—

236 (2)

237 (k)1. Notwithstanding s. 921.0024 and effective for
238 offenses committed on or after July 1, 2016, the court may order
239 the offender to successfully complete a postadjudicatory mental
240 health court program under s. 394.47892 or a veterans treatment
241 ~~military veterans and servicemembers~~ court program under s.
242 394.47891 if:

243 a. The court finds or the offender admits that the
244 offender has violated his or her community control or probation;

245 b. The underlying offense is a nonviolent felony. As used
246 in this subsection, the term "nonviolent felony" means a third
247 degree felony violation under chapter 810 or any other felony
248 offense that is not a forcible felony as defined in s. 776.08.
249 Offenders charged with resisting an officer with violence under

250 s. 843.01, battery on a law enforcement officer under s. 784.07,
251 or aggravated assault may participate in the mental health court
252 program if the court so orders after the victim is given his or
253 her right to provide testimony or written statement to the court
254 as provided in s. 921.143;

255 c. The court determines that the offender is amenable to
256 the services of a postadjudicatory mental health court program,
257 including taking prescribed medications, or a veterans treatment
258 ~~military veterans and servicemembers~~ court program;

259 d. The court explains the purpose of the program to the
260 offender and the offender agrees to participate; and

261 e. The offender is otherwise qualified to participate in a
262 postadjudicatory mental health court program under s.
263 394.47892(4) or a veterans treatment ~~military veterans and~~
264 ~~servicemembers~~ court program under s. 394.47891.

265 2. After the court orders the modification of community
266 control or probation, the original sentencing court shall
267 relinquish jurisdiction of the offender's case to the
268 postadjudicatory mental health court program or the veterans
269 treatment court program until the offender is no longer active
270 in the program, the case is returned to the sentencing court due
271 to the offender's termination from the program for failure to
272 comply with the terms thereof, or the offender's sentence is
273 completed.

274 Section 5. Paragraph (a) of subsection (7) of section

275 948.08, Florida Statutes, is amended to read:

276 948.08 Pretrial intervention program.—

277 (7) (a) ~~Notwithstanding any provision of this section,~~ A
278 person who is charged with a felony, other than a felony listed
279 in s. 948.06(8) (c), and who is identified as a veteran or a
280 servicemember, as defined in s. 394.47891(2) (d) or (c),
281 respectively, and is otherwise qualified to participate in a
282 veterans treatment court program under s. 394.47891 s. 1.01; a
283 veteran who is discharged or released under any condition; a
284 servicemember, as defined in s. 250.01; an individual who is a
285 current or former United States Department of Defense
286 contractor; or an individual who is a current or former military
287 member of a foreign allied country, who suffers from a military
288 service-related mental illness, traumatic brain injury,
289 substance abuse disorder, or psychological problem is eligible
290 for voluntary admission into a veterans treatment court program
291 pursuant to the requirements of s. 394.47891(4) and (8).
292 ~~pretrial veterans' treatment intervention program approved by~~
293 ~~the chief judge of the circuit, upon motion of either party or~~
294 ~~the court's own motion, except:~~

295 1. ~~If a defendant was previously offered admission to a~~
296 ~~pretrial veterans' treatment intervention program at any time~~
297 ~~before trial and the defendant rejected that offer on the~~
298 ~~record, the court may deny the defendant's admission to such a~~
299 ~~program.~~

300 ~~2. If a defendant previously entered a court-ordered~~
 301 ~~veterans' treatment program, the court may deny the defendant's~~
 302 ~~admission into the pretrial veterans' treatment program.~~

303 Section 6. Paragraph (a) of subsection (2) of section
 304 948.16, Florida Statutes, is amended to read:

305 948.16 Misdemeanor pretrial substance abuse education and
 306 treatment intervention program; misdemeanor pretrial veterans'
 307 treatment intervention program; misdemeanor pretrial mental
 308 health court program.-

309 (2) (a) A veteran or a servicemember, as defined in s.
 310 394.47891(2) (d) or (c), respectively, who is otherwise qualified
 311 to participate in a veterans treatment court program under s.
 312 394.47891 s. 1.01; ~~a veteran who is discharged or released under~~
 313 ~~any condition; a servicemember, as defined in s. 250.01; an~~
 314 ~~individual who is a current or former United States Department~~
 315 ~~of Defense contractor; or an individual who is a current or~~
 316 ~~former military member of a foreign allied country, who suffers~~
 317 ~~from a military service-related mental illness, traumatic brain~~
 318 ~~injury, substance abuse disorder, or psychological problem, and~~
 319 ~~who~~ is charged with a misdemeanor is eligible for ~~voluntary~~
 320 admission into a misdemeanor veterans treatment court program
 321 ~~pretrial veterans' treatment intervention program approved by~~
 322 ~~the chief judge of the circuit~~, for a period based on the
 323 program's requirements and the treatment plan for the offender,
 324 pursuant to the requirements of s. 394.47891(4) and (8) upon

325 ~~motion of either party or the court's own motion. However, the~~
326 ~~court may deny the defendant admission into a misdemeanor~~
327 ~~pretrial veterans' treatment intervention program if the~~
328 ~~defendant has previously entered a court-ordered veterans'~~
329 ~~treatment program.~~

330 Section 7. Subsection (4) of section 948.21, Florida
331 Statutes, is renumbered as subsection (5), and a new subsection
332 (4) is added to that section, to read:

333 948.21 Condition of probation or community control;
334 military servicemembers and veterans.—

335 (4) Effective for a probationer or community controllee
336 whose crime is committed on or after July 1, 2021, who is a
337 veteran or a servicemember as defined in s. 394.47891(2)(d) or
338 (c), respectively, and who is otherwise qualified to participate
339 in a veterans treatment court program under s. 394.47891, the
340 court may, in addition to any other conditions imposed, impose a
341 condition requiring the probationer or community controllee to
342 participate in a treatment program capable of treating the
343 probationer or community controllee's service-related mental
344 illness, service-related traumatic brain injury, service-related
345 substance abuse disorder, service-related psychological problem,
346 or military sexual trauma as defined in s. 394.47891(2)(b).

347 Section 8. A Military Veterans and Servicemembers Court
348 Program in operation under s. 394.47891, Florida Statutes, on or
349 before June 30, 2021, may continue to operate but must comply

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350 with the amendments made by this act to that section. This act
351 does not affect or alter the rights or responsibilities of any
352 person who, on or before June 30, 2021, was admitted to and
353 participating in a Military Veterans and Servicemembers Court
354 Program established under s. 394.47891, Florida Statutes.

355 Section 9. This act shall take effect July 1, 2021.