

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER, MARTIN, OKEECHOBEE, AND ST. LUCIE COUNTIES
STATE OF FLORIDA

ADMINISTRATIVE ORDER 2021-08

(Superseding and revoking Administrative Order 2021-03)

RE: VETERANS TREATMENT COURT

WHEREAS, the purpose of a veterans treatment court program is to address the underlying causes of a veteran or service members' involvement with the judicial system and to reduce recidivism by emphasizing treatment and rehabilitation as alternatives to incarceration while requiring offender accountability and increasing public safety; and

WHEREAS, the Florida Legislature has substantially amended section 394.47891, Florida Statutes, stating its intent to support the judicial circuits in creating and maintaining veterans treatment courts that will adjudicate both felonies and misdemeanors; and

WHEREAS, section 394.47891, Florida Statutes, has been amended to define those defendants who may be eligible to participate in veterans treatment court programs and to require the State Attorney to determine defendants' eligibility; and

WHEREAS, sections 948.08(7), 948.16(2), and 948.21, Florida Statutes, have been amended to authorize eligible defendants to participate in felony and/or misdemeanor pretrial or post-adjudicatory veterans treatment programs; and

WHEREAS, section 394.47891, Florida Statutes, creates a detailed statewide standard for the creation, operation, and procedures for veterans treatment court programs;

THEREFORE, pursuant to the authority vested in me as Chief Judge of the Nineteenth Judicial Circuit under Florida Rule of Judicial Administration 2.215, it is hereby

ORDERED as follows:

For purposes of this Administrative Order, "defendant" means a service member or veteran as defined in section 394.4789(2), Florida Statutes, and who has been charged with or convicted of a criminal offense.

There is established within the Nineteenth Judicial Circuit felony and misdemeanor pretrial and post-adjudicatory Veterans Treatment Court programs for defendants who have a service-related mental illness health condition, service-related traumatic brain injury, service-related substance abuse disorder, or service-related psychological problem or have experienced military sexual trauma.

A defendant seeking to participate in a veterans treatment court program must submit an application to the Office of the State Attorney for the Nineteenth Judicial Circuit. The State Attorney must review each application and determine whether the defendant is eligible for admission to a Veterans Treatment Court program. A defendant may participate in a Veterans Treatment Court program at any stage of a criminal proceeding, provided he or she is approved by the State Attorney in consultation with the court.

The Chief Judge and the State Attorney shall determine whether defendants who have been dishonorably discharged may participate in a veterans treatment court program.

There shall be two types of cases within Veterans Treatment Court:

Pretrial Diversion. The Veterans Treatment Court judge has the discretion to decide whether to admit a defendant approved by the State Attorney into Veterans Treatment Court. Once the Veterans Treatment Court judge has determined the defendant should be admitted, the defendant shall enter a plea of guilty or no contest and sentencing shall be deferred. The defendant shall be released on his/her own recognizance with the condition that he/she complies with the terms and conditions of Veterans Treatment Court. Upon a finding by the Court that the defendant has successfully completed Veterans Treatment Court, the defendant's plea will be withdrawn and the charges shall be dismissed.

Post-Adjudication. In accord with section 948.21, Florida Statutes, the trial court may sentence a defendant to probation or community control with the special condition that the defendant participate in Veterans Treatment Court. The trial court judge has the discretion to decide whether to admit a defendant approved by the State Attorney into Veterans Treatment Court.

Upon deciding that a defendant may be admitted to Veterans Treatment Court, the judge shall enter an order transferring the case to Veterans Treatment Court, and the Clerk shall place the case or cases on the Veterans Treatment Court docket. The minimum length of stay in Veterans Treatment Court is six (6) months for misdemeanors and twelve (12) months for felonies, up to the statutory maximum.

Defendants participating in Veterans Treatment Court shall attend court hearings as ordered by the Veterans Treatment Court judge and shall participate in ongoing assessments, treatment, and discharge planning until Veterans Treatment Court graduation.

This Administrative Order supersedes and revokes Administrative Order 2021-03 and shall be effective July 1, 2021.

DONE AND ORDERED this 18th day of May, 2021 at Stuart in Martin County, Florida.

A handwritten signature in blue ink that reads "Lawrence Mirman". The signature is written in a cursive style.

LAWRENCE MIRMAN
CHIEF JUDGE