

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 2021-03

(Superseding and revoking Administrative Orders 2013-08A and 2013-17)

RE: VETERANS TREATMENT COURT

WHEREAS, section 394.47891, Florida Statutes, and sections 948.08(7), 948.16(2), and 948.21, Florida Statutes, authorize the Chief Judge to establish felony and/or misdemeanor pretrial or post-adjudicatory veterans treatment intervention programs for veterans or service members; and

WHEREAS the purpose of such court programs is to reduce recidivism by emphasizing treatment and rehabilitation as alternatives to incarceration while also requiring offender accountability and increasing public safety; and

WHEREAS from time to time Administrative Orders are entered to reflect the evolution of court programs¹ and development of the law;²

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.

There is established within the Nineteenth Judicial Circuit felony and misdemeanor pretrial and post-adjudicatory Veterans Treatment Court programs for veterans or service members who suffer from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problems.

Referrals to a Veterans Treatment Court may be made by any Court, the Florida Department of Corrections, law enforcement, Office of the State Attorney, defense counsel, veterans' organizations, mental health or substance abuse providers, or any other interested party.

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

¹ This Administrative Order supersedes Administrative Orders that established Veterans Treatment Court programs in the County and Circuit Courts in 2013.

² *Simeone v. State*, 276 So. 3d 797 (Fla. 4th DCA 2019) (judge has discretion to decide whether to admit an eligible and willing defendant into veterans treatment court).

Pretrial Diversion. A defendant is eligible for pretrial intervention if he/she meets the requirements of section 948.08 or section 948.16, Florida Statutes. The Veterans Treatment Court judge has the discretion to decide whether to admit an eligible and willing defendant 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 an eligible and willing defendant 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 Orders 2013-08A, and 2013-17.

DONE AND ORDERED this 24th day of February, 2021 at Stuart in Martin County, Florida.



LAWRENCE MIRMAN
CHIEF JUDGE