

AMENDED ORDER GOVERNING VETERANS TREATMENT COURT

The purpose of Veterans Treatment Court is to address the underlying causes of a veteran's involvement with the judicial system through the use of specialized dockets, multidisciplinary teams, and evidence-based treatment.

By the power vested in the chief judge under Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and rule 2.215 of the Florida Rules of General Practice and Judicial Administration, effective **immediately**, to continue until further order and superseding any provisions in prior Administrative Orders, which may be inconsistent, it is **ORDERED:**

A. The Ninth Judicial Circuit shall develop and implement a Veterans Treatment Court Program (VTC) to facilitate the provision of services to veterans or service members involved in the criminal justice system. Qualified participants are veterans who, either by pre-trial diversion, plea, or verdict are charged or convicted of an eligible misdemeanor or felony criminal offense, and who suffer from a service-related mental health condition, service-related traumatic brain injury, service-related substance abuse disorder, or service-related psychological problem or have experienced military sexual trauma.

B. The referral of a defendant into VTC may be made by any of the criminal trial divisions with no plea taken, and may be made by defense counsel, the State Attorney's Office, the court, the Veterans Treatment Court Program Office (Program office), or any other interested party.

C. As part of the referral, the referring person/agency must complete and submit a Veterans Treatment Court referral packet to the Program Office to initiate the referral approval process.

D. Participation in VTC is voluntary and in order to participate, the defendant must waive the right to a speedy trial prior to entering the VTC.

E. Upon receipt of a completed referral packet, the Program Office will send all eligible and completed packets to the Veterans Administration for confirmation of military service and benefits qualification and then to the State Attorney's Office for determination of program suitability and track.

F. Upon receipt of the referral packet, the State Attorney's Office shall determine whether the defendant is eligible for VTC, shall indicate this information on the referral packet, and shall return the Referral Packet back to the Program Office.

G. The Program Office will then forward the completed Referral packet with a VTC initial status date to the Clerk of Court's Office for placement of the case on the next VTC docket.

H. The Program Office will also notify the referring subdivision's judicial assistant, clerk, and attorneys that the case has been approved for VTC and that it may be removed from the referring subdivision's docket.

I. At a status hearing in VTC, if the defendant desires to enter VTC, a signed Veterans Treatment Court Agreement outlining all of the requirements for participation and successful completion will be filed in the case. At the same hearing, the defendant will be ordered to enter and successfully complete the VTC program. If the defendant is entering VTC on the post-plea condition of probation track, then the Unified Problem Solving Court Judge will sentence the defendant to an appropriate term of probation with VTC as a special condition.

J. Upon receipt of the signed VTC Agreement and the court's acceptance of the defendant into VTC, the clerk of court shall reassign the case to the Unified Problem Solving Court division. The case will remain assigned by the clerk's office to the VTC division for status purposes unless assigned back to the original subdivision by the Unified Problem Solving Court Judge.

K. Defendants accepted into VTC will attend court hearings as ordered by the Unified Problem Solving Court Judge. The defendant shall participate in ongoing assessments, treatment and discharge planning until VTC graduation. The minimum length of stay in VTC is six (6) months for misdemeanors and twelve (12) months for felonies, up to the statutory maximum. The minimum length of stay in VTC may be modified for diversion cases at the discretion of the State Attorney or, in the case of post-plea condition of probation cases, at the discretion of the Unified Problem Solving Court Judge. If a defendant fails to successfully complete VTC, the case may be assigned back to the original subdivision for further prosecution.

L. If a defendant in the diversion track is unsuccessfully discharged from the VTC Program, or the defendant opts out of participation in the VTC Program, the case may be assigned back to the original subdivision or resolved in VTC.

M. In diversion cases where the defendant has successfully completed VTC, the State Attorney shall file a nolle prosequi.

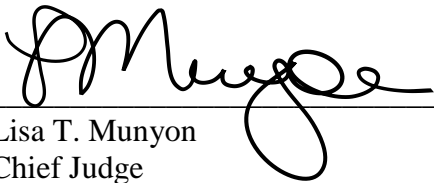
N. In probation cases, should the defendant be unsuccessfully discharged from VTC as a result of a VTC violation, the Florida Department of Corrections or the respective county probation office shall initiate an affidavit of violation of probation and shall submit the affidavit to the Problem Solving Court Judge. Nothing herein shall prohibit the Florida Department of Corrections or the respective county probation office from filing a violation of probation for any failure of the defendant to comply with conditions of probation. If the Problem Solving Court Judge determines

that there is a legal basis to do so, he/she shall issue a warrant for violation of probation or resolve the matter pursuant to the VTC Program's policies and procedures. Upon arrest on the violation of probation warrant, the Problem Solving Court Judge shall resolve the violation of probation proceeding via a plea or hearing and impose a sentence if appropriate.

O. In probation cases where the defendant has complied with all special and standard conditions of probation (including restitution) the court shall give due consideration to the early termination of probation.

P. Administrative Order 2016-07 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 7th day of October, 2021.



Lisa T. Munyon
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>