

Tab 1	SB 1496 by Lee ; (Similar to H 01085) Veterans Treatment Courts					
271626	D	S	L	RCS	MS, Lee	Delete everything after 02/13 09:51 AM

Tab 2	CS/SB 1586 by CF, Hooper (CO-INTRODUCERS) Perry ; First Responders Suicide Deterrence Task Force				
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

MILITARY AND VETERANS AFFAIRS AND SPACE
Senator Wright, Chair
Senator Cruz, Vice Chair

MEETING DATE: Wednesday, February 12, 2020
TIME: 4:00—6:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Wright, Chair; Senator Cruz, Vice Chair; Senators Broxson, Gainer, Harrell, Pizzo, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1496 Lee (Similar H 1085)	Veterans Treatment Courts; Citing this act as the "Florida Veterans Treatment Court Act"; authorizing certain courts to create and administer veterans treatment courts; providing eligibility criteria for participation in the veterans treatment court program; specifying that the act does not create a right to participate in a veterans treatment court, etc. MS 02/12/2020 Fav/CS ACJ AP	Fav/CS Yeas 7 Nays 0
2	CS/SB 1586 Children, Families, and Elder Affairs / Hooper	First Responders Suicide Deterrence Task Force; Establishing the task force adjunct to the Statewide Office for Suicide Prevention of the Department of Children and Families; requiring the task force to submit reports to the Governor and the Legislature on an annual basis; providing for future repeal, etc. CF 01/28/2020 Fav/CS MS 02/12/2020 Favorable RC	Favorable Yeas 7 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs and Space

BILL: CS/SB 1496

INTRODUCER: Military and Veterans Affairs and Space Committee and Senator Lee

SUBJECT: Veterans Treatment Courts

DATE: February 13, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	Fav/CS
2.			ACJ	
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1496 redesignates the Military Veterans and Servicemembers Program as the Veterans Treatment Court Program. The bill authorizes courts to develop and operate a veterans treatment court with an emphasis on therapeutic treatment over incarceration of military-related mental illness, traumatic brain injury, a substance use disorder, or a psychological problem. Like existing law, the program is open to a servicemember, veteran, and a current or former defense contractor or military member of a foreign allied country. Similarly, a veteran who has received a less than honorable discharge is eligible to participate.

Conditions of participation are set forth in a written participation agreement. Upon a finding by the court that the participant has successfully completed conditions of the agreement, the charge is disposed of in accordance with the agreement. If a participant fails to successfully comply, the court may modify or revoke participation in the program and the case may revert back to the original court.

The bill encourages the court to develop policies and procedures, including employing a nonadversarial approach; identifying participants early in the process; and engaging in partnerships among other veterans treatment courts, the United States Department of Veterans Affairs, the Florida Department of Veteran’s Affairs, public agencies, and community-based organizations.

The bill grandfathers in existing programs, courts, and participants. However, existing courts are subject to the new conditions provided in the bill.

II. Present Situation:

Veterans Courts

The first veterans court opened in Buffalo, N.Y. in 2008.¹ Veterans court follows the model of other specialty courts, such as drug court and mental health court whereby the court emphasizes treatment over incarceration.² Like other specialty courts, veterans court involves therapeutic intervention under a nonadversarial framework. Successful completion of pretrial court conditions may result in a dismissal of criminal charges.³ As of June 2016, 461 courts operate veterans court programs across the country.⁴

In Florida, 31 counties operate a veterans court program.⁵ Moreover, veterans court programs operate in 17 of the 20 judicial circuits.⁶ Even in those circuits without a designated program, accommodations are provided to defendants who would otherwise qualify to participate in a veterans court program.⁷

Military Veterans and Servicemembers Court Program

In 2012, the Legislature established the T. Patt Maney Veterans' Treatment Intervention Act.⁸ The Act authorizes the chief judge of each judicial circuit to create a Military Veterans and Servicemember Court Program (veterans court). The program is available to eligible veterans, servicemembers, current or former United States Department of Defense contractors, and current or former military members of a foreign allied country. The purpose of the program is for a court to tailor sentencing to treatment of an individual's underlying disorder. Participation is voluntary.

Eligibility to Participate in the Program

When first implemented, the bill provided that to be eligible, a veteran or servicemember must:

¹ National Center for State Courts, *Veterans Courts Resource Guide*, available at <https://www.ncsc.org/Topics/Alternative-Dockets/Problem-Solving-Courts/Veterans-Court/Resource-Guide.aspx> (last visited Feb. 4, 2020).

² Public Health Post, *A New Court System to Rehabilitate Veterans*, available at <https://www.publichealthpost.org/research/rehabilitating-veterans-in-the-criminal-justice-system/> (last visited Feb. 4, 2020).

³ Law for Veterans, *Veterans Courts*, available at <https://www.lawforveterans.org/veterans-courts> (last visited Feb. 4, 2020).

⁴ National Center for State Courts, *supra* note 1.

⁵ Veterans court programs operate in Alachua, Bay, Brevard, Broward, Clay, Citrus, Collier, Duval, Escambia, Hernando, Hillsborough, Indian River, Lake, Lee, Leon, Manatee, Marion, Miami-Dade, Nassau, Okaloosa, Orange, Osceola, Palm Beach, Pasco, Pinellas, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, and Volusia counties. Email correspondence with Sean Burnfin, Office of State Courts Administrator, Florida Courts (Jan. 21, 2020)(on file with the Senate Committee on Military and Veterans Affairs and Space).

⁶ Office of the State Courts Administrator, *2020 Judicial Impact Statement* (Feb. 5, 2020)(on file with the Senate Committee on Military and Veterans Affairs and Space).

⁷ *Id.* The Tenth Judicial Circuit operates a holistic veterans court docket with dedicated staff, an outreach counselor from the Veterans Administration/Department of Veterans Affairs, veteran mentors, and partnerships with providers and the justice system. The Third Judicial Circuit issued an administrative order which details the authority for a qualifying defendant to move to transfer his or her case to a veterans court. The Sixteenth Judicial Circuit reports that it has on a case-by-case basis, provided special services to veterans in conjunction with its adult drug court upon a recommendation from the state attorney.

⁸ Chapter 2012-159, s. 9, L.O.F.; Section 394.47891, F.S.

- Be convicted of a criminal offense;
- Suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem; and
- If a veteran, have received an honorable discharge from military service.⁹

In 2016, the Legislature expanded the requirement of an honorable discharge to include eligibility for a veteran released under a general discharge.¹⁰ Subsequently, in 2019, the Legislature again expanded the program to provide eligibility for a veteran discharged or released under any condition, including a release under a dishonorable discharge.¹¹

Pretrial Intervention Program

Both misdemeanor and felony cases may be processed in a pretrial intervention program of a veterans court. However, a court may deny admission if the defendant has previously entered a court-ordered veterans treatment program.¹² While enrolled in a pretrial intervention program, the defendant fulfills the terms of a written coordinated strategy developed by the veterans' treatment intervention team.¹³ Protocol may require successful completion of outpatient or inpatient treatment, including at a jail-based treatment program. Upon successful completion of the program, the court may dismiss the charges. If the participant is otherwise eligible to do so, he or she may petition the court to have the arrest record expunged.¹⁴ If the court finds that the defendant has not successfully completed the program, the court may return the case to the criminal docket for prosecution.¹⁵

Certain pending felony charges disqualify a defendant from participation in a pretrial intervention program. Considered more serious felony charges, they include:

- Kidnapping or attempted kidnapping; false imprisonment of a child under the age of 13; or luring or enticing a child;
- Murder or attempted murder; attempted felony murder; or manslaughter;
- Aggravated battery or attempted aggravated battery;
- Sexual battery or attempted sexual battery;
- Lewd or lascivious battery, molestation, conduct, or exhibition, or attempted lewd or lascivious battery, or lewd or lascivious offense or attempted offense against an elderly or disabled person;
- Robbery or attempted robbery;
- Sexual performance of a child or attempted sexual performance of a child;
- Computer pornography of a minor; transmission of child pornography; or buying or selling of minors; and
- Aggravated assault or stalking.¹⁶

⁹ Chapter 2012-159, s. 9, L.O.F.

¹⁰ Chapter 2016-127, s. 9, L.O.F.

¹¹ Chapter 2019-61, s. 1, L.O.F.

¹² Sections 948.08(7), F.S., and 948.16(2), F.S.

¹³ Sections 948.08(7)(b), F.S., and 948.16(2)(b), F.S.

¹⁴ Sections 948.08(2)(b), F.S., and 948.16(2)(b), F.S.

¹⁵ Sections 948.08(4), F.S., and 948.16(4), F.S.

¹⁶ Section 948.06(8)(c), F.S.

Transfer of Case for Participation in a Problem-Solving Court

A veteran who is eligible for participation in a veterans court may, upon request and approval, transfer his or her case to a county other than that in which the charge arose.¹⁷ Both a representative of the original trial court and the receiving court must agree to the transfer. At the time of transfer, a court case may either be in its pretrial or postadjudicatory phase.¹⁸ The receiving jurisdiction disposes of the case.¹⁹

Participation in a Treatment Program as a Condition of Probation or Community Control

The court may order as a condition of probation or community control that a veteran or servicemember participate in a treatment program designed to address the individual's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.²⁰ The court must give preference to those treatment programs for which the veteran or servicemember is eligible through the United States Department of Veterans Affairs or the Florida Department of Veterans Affairs.²¹

The court may also order a person who commits a violation of probation or community control to successfully complete a military veterans and servicemembers court program if the underlying offense is a nonviolent felony and the person otherwise qualifies.²²

Problem-solving Court Reports

A problem-solving court means a specialty drug court, military veterans and servicemembers court, mental health court, community court, or delinquency pretrial intervention court program.²³ The Office of the State Courts Administrator is required to provide an annual report on problem-solving courts to the President of the Senate and the Speaker of the House of Representatives.

Specifically, the report must include:

- number of participants in each problem-solving court for each fiscal year the court has been operating;
- types of services provided;
- each source of funding for each court by fiscal year; and
- performance of each court based on outcome measures established by the courts.²⁴

¹⁷ Section 910.035(5)(a)(and (b), F.S.

¹⁸ Section 910.035(d), F.S.

¹⁹ Section 910.035(f), F.S.

²⁰ Section 948.21, F.S.; The ability of a veteran released from service under a dishonorable discharge to participate in a treatment program as a condition of probation or community control is only available to an individual who committed his or her crime on or after October 1, 2019 (s. 948.21(3), F.S.).

²¹ Section 948.21(4), F.S.

²² Section 948.06(2)(k)1., F.S.

²³ Section 43.51(2), F.S.

²⁴ Section 43.51(1), F.S.

III. Effect of Proposed Changes:

This bill redesignates as the Veterans Treatment Court Program the existing Military Veterans and Servicemembers Court Program. The program authorizes the chief judge of each judicial circuit to create a veterans treatment court.

Like existing law, a veterans treatment court can accept both pre- and post-adjudication misdemeanor and felony cases. A defendant who wishes to participate must submit an application to the court. If the court determines that the defendant is eligible to participate, his or her case is governed by the terms of an individual Participant Agreement.

Policies and Procedures of a Veterans Treatment Court

A veterans treatment court must create a record of policies and procedures that specifically include:

- Integrating substance abuse, mental health treatment services, and other treatment into case processing;
- Employing a nonadversarial approach;
- Identifying eligible defendants early in the process;
- Frequently testing for alcohol and drug use;
- Providing ongoing judicial interaction with each defendant;
- Monitoring of program goals; and
- Forging partnerships among veterans treatment courts, the United States Department of Veterans Affairs, the Florida Department of Veterans' Affairs, public agencies, and community-based organizations.

The court may also establish policies and procedures for referring a defendant to a health care provider, or assisting with housing, employment, nutrition, mentoring, and education.

Eligibility for Participation in a Veterans Treatment Court

To qualify for a veterans treatment court, a defendant must either be a veteran, defined as a person who has served in the military, or a servicemember, defined as an active or reserve member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; a member of the Florida National Guard; a current or former contractor for the United States Department of Defense; or a current or former military member of a foreign allied country. A veteran released under any type of discharge if otherwise eligible may participate in veterans treatment court.

To further qualify:

- The defendant must have a military-related mental health condition, traumatic brain injury, substance use disorder, or psychological problem;
- The defendant must agree on the court record to enter the court voluntarily and comply with a participant agreement; and
- The defendant's participation in the court is in the interest of justice and of benefit to the defendant and the community.

In determining whether participation furthers justice and is of sufficient benefit, the court must consider:

- The nature and circumstances of the offense;
- The recommendation of the state attorney;
- Special characteristics or circumstances of both the defendant and the victim;
- Prior criminal history and whether the defendant previously participated in a veterans treatment or other similar program;
- Whether needs exceed resources available through the court;
- Impact on the community;
- Recommendations of law enforcement;
- Recommendation of the victim;
- Provision for and the likelihood of obtaining restitution during participation in the court;
- Mitigating circumstances; and
- Other reasonably related circumstances.

A veteran or a servicemember does not have a right to participate in a veterans treatment court.

Participant Agreement

Participation in a veterans treatment court requires a defendant to sign and a court to approve a participant agreement. If a court determines that a defendant has fully complied with the agreement, the charge is disposed of in accordance with the participation agreement and any applicable plea agreement, order, or judgment. If the defendant has failed to comply with the agreement, the court may modify or revoke the defendant's participation and the case may revert to the original court.

Veterans Treatment Court for Post-Adjudication Probationer or Community Controllee

The bill provides that for a person who is on probation or community control and otherwise qualified to participate in a veterans treatment court, the court may order participation in a treatment program for a mental illness, traumatic brain injury, substance use disorder, or psychological problem.

Existing Military Veterans and Servicemembers Program and Participants

In amending s. 394.47891, F.S., the bill substitutes as the name of the program Veterans Treatment Court for the Military Veterans and Servicemembers Court. Additionally, a program in operation as of June 30, 2020, is grandfathered in to continue but must comply with changes made under this bill. Similarly, the bill does not affect or alter the rights or responsibilities of any person admitted to and participating in the program.

Cross-references and conforming changes to ss. 43.51, 910.035, 948.06, 948.08, 948.16, and 948.21, F.S., are included in the bill.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

As this bill authorizes, rather than requires courts to establish veterans treatment courts, the bill does not impose a mandate on local municipalities or counties.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

By reducing the number of veterans who are incarcerated and linking conditions with treatment, the bill may reduce costs for veterans and their families.

C. Government Sector Impact:**Costs to the Judiciary**

The Office of the State Courts Administrator (OSCA) provides that the fiscal impact of the bill cannot be accurately determined due to an unavailability of data needed to quantifiably establish an impact on judicial workload. In so determining, the OSCA notes that creation of a veterans treatment court is discretionary.²⁵

Prison Beds Cost

As of March 2019, the state has 31 veterans courts. Per the Department of Corrections, in Fiscal Year 2018-2019, there were 142 offenders admitted for veterans' treatment intervention. A fiscal impact from an increase in eligible participants to veterans

²⁵ Office of the State Courts Administrator, *supra* note 6.

treatment intervention is not quantifiable at this time. However, this bill is estimated to have a negative indeterminate prison bed impact.²⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 43.51, 394.47891, 910.035, 948.06, 948.08, 948.16, and 948.21.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs and Space on February 12, 2020:

This committee substitute:

- Renames as the Veterans Treatment Court Program the existing Military and Servicemembers Court Program;
- Requires the underlying condition of a mental health condition, traumatic brain injury, substance use disorder, or a psychological problem to be military-related;
- Restores equal access to the veterans treatment court for a veteran released under any discharge from service;
- Restores current law by not giving the treatment court adjudicatory authority;
- Restores the role of the court as the sole decider of whether a veteran or servicemember qualifies to participate in a veterans treatment court and requires the court to consider the recommendation of the state attorney;
- Removes duplicative references to the confidentiality of health information records;
- Removes duplicative references to domestic violence cases;
- Grandfathers in existing programs, courts, and participants; and
- Provides conforming cross-references.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁶ Office of Economic and Demographic Research, *Impact Conference Results* (Jan. 27, 2020) (on file with the Senate Committee on Military and Veterans Affairs and Space).



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2020	.	
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	.	

The Committee on Military and Veterans Affairs and Space (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature
to encourage and support the judicial circuits of the state, and



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11 other such agencies, local governments, interested public or
12 private entities, and individuals, to create and maintain
13 veterans treatment courts in each circuit. The purpose of a
14 veterans treatment court program is to address the underlying
15 causes of a servicemember's or veteran's involvement with the
16 judicial system through the use of specialized dockets,
17 multidisciplinary teams, and evidence-based treatment. A
18 veterans treatment court program shall use nonadversarial
19 approaches to resolve such issues. Veterans treatment courts
20 depend on the leadership of judges or magistrates who are
21 educated in the issues and science of behaviors leading to court
22 involvement and require a rigorous team effort to detect,
23 discern, and assist servicemembers and veterans in correcting
24 the behaviors and choices that led to the veterans' court
25 involvement. This act creates a detailed statewide standard for
26 the creation and operation of, and procedures for, veterans
27 treatment courts.

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

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

31 (b) "Participant agreement" means the agreement as set
32 forth in subsection (9) and any specific terms and conditions
33 applicable to the defendant. The term includes any modifications
34 made to the agreement under subsection (10).

35 (c) "Servicemember" means:

36 1. A member of the active or reserve components of the
37 United States Army, Navy, Air Force, Marine Corps, or Coast
38 Guard;

39 2. A member of the Florida National Guard;



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40 3. A current or former contractor for the United States
41 Department of Defense; or

42 4. A current or former military member of a foreign allied
43 country.

44 (d) "Veteran" means a person who has served in the
45 military.

46 (e) "Veterans treatment court" means a specialized docket
47 administered by a court for veterans and servicemembers as set
48 forth in this section.

49 (3) AUTHORIZATION.—The chief judge of each judicial circuit
50 may establish a veterans treatment court.

51 (4) ADMISSION.—A defendant who meets the eligibility
52 requirements under subsection (8) may be admitted to a veterans
53 treatment court at any stage of a criminal proceeding. A
54 defendant seeking to participate in a veterans treatment court
55 must submit an application to the court. The court must review
56 each application and determine whether the defendant meets the
57 eligibility requirements in subsection (8).

58 (5) RECORD OF POLICIES AND PROCEDURES.—A veterans treatment
59 court shall create a record of the policies and procedures
60 adopted to implement subsections (6) and (7).

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

62 (a) A veterans treatment court shall adopt policies and
63 procedures to implement the following key components, including:

64 1. Integrating substance abuse and mental health treatment
65 services and any other related treatment and rehabilitation
66 services with justice system case processing;

67 2. Using a nonadversarial approach in which the state
68 attorney and defense counsel promote public safety while



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69 protecting the due process rights of the defendant;
70 3. Providing early identification of eligible defendants;
71 4. Monitoring defendants for abstinence from alcohol and
72 drugs by frequent testing;
73 5. Providing ongoing judicial interaction with each
74 defendant;
75 6. Monitoring and evaluating the achievement of each
76 defendant's program goals; and
77 7. Forging partnerships among the veterans treatment
78 courts, the United States Department of Veterans Affairs, the
79 Florida Department of Veterans' Affairs, public agencies, and
80 community-based organizations to generate local support and
81 enhance the effectiveness of the veterans treatment court.
82 (b) In adopting policies and procedures under this section,
83 the court shall consult nationally recognized best practices
84 related to the key components of veterans treatment courts.
85 (7) SUPPLEMENTAL POLICIES AND PROCEDURES OF VETERANS
86 TREATMENT COURTS.—A veterans treatment court may adopt
87 supplemental policies and procedures to:
88 (a) Refer a defendant with a medical need to an appropriate
89 health care provider or refer a defendant for other appropriate
90 assistance, including assistance with housing, employment,
91 nutrition, mentoring, and education.
92 (b) Otherwise encourage participation in the veterans
93 treatment court.
94 (8) ELIGIBILITY.—
95 (a) A defendant may participate in a veterans treatment
96 court if:
97 1. The defendant has a military-related mental health



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98 condition, traumatic brain injury, substance use disorder, or
99 psychological problem;

100 2. The defendant voluntarily agrees to the terms of the
101 participation agreement by signing the agreement; and

102 3. The defendant's participation in the veterans treatment
103 court is in the interests of justice, the defendant, and the
104 community, as determined by the court.

105 (b) In making the determination under subparagraph (a)3.,
106 the court must consider:

107 1. The nature and circumstances of the offense charged;

108 2. The recommendation of the state attorney;

109 3. The special characteristics or circumstances of the
110 defendant and any victim or alleged victim, including any
111 recommendation of the victim or alleged victim;

112 4. The defendant's criminal history and whether the
113 defendant previously participated in a veterans treatment court
114 or similar program;

115 5. Whether the defendant's needs exceed the treatment
116 resources available through the veterans treatment court;

117 6. The impact on the community of the defendant's
118 participation and treatment in the veterans treatment court;

119 7. Recommendations of any law enforcement agency involved
120 in investigating or arresting the defendant;

121 8. If the defendant owes restitution, the likelihood of
122 payment during the defendant's participation in the veterans
123 treatment court;

124 9. Any mitigating circumstances; and

125 10. Any other circumstances reasonably related to the
126 defendant's case.



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127 (9) PARTICIPANT AGREEMENT.—To participate in a veterans
128 treatment court, the defendant must sign, and the court must
129 approve, a participant agreement.

130 (10) MODIFICATION OR TERMINATION.—If a veterans treatment
131 court determines after a hearing that a defendant has not
132 complied with the participant agreement, the court may modify or
133 revoke the defendant's participation in the program.

134 (11) COMPLETION OF THE PARTICIPANT AGREEMENT.—If a veterans
135 treatment court determines that a defendant has completed the
136 requirements of the participant agreement, the court shall
137 dispose of the charge or charges that served as the basis of
138 participation in the veterans treatment court in accordance with
139 the participant agreement and any applicable plea agreement,
140 court order, or judgment.

141 (12) LIBERAL CONSTRUCTION.—The provisions of this section
142 shall be liberally construed.

143 (13) NO RIGHT TO PARTICIPATE.—This section does not create
144 a right of a veteran or servicemember to participate in a
145 veterans treatment court ~~The chief judge of each judicial~~
146 ~~circuit may establish a Military Veterans and Servicemembers~~
147 ~~Court Program under which veterans, as defined in s. 1.01;~~
148 ~~veterans who were discharged or released under any condition;~~
149 ~~servicemembers, as defined in s. 250.01; individuals who are~~
150 ~~current or former United States Department of Defense~~
151 ~~contractors; and individuals who are current or former military~~
152 ~~members of a foreign allied country, who are charged or~~
153 ~~convicted of a criminal offense, and who suffer from a military-~~
154 ~~related mental illness, traumatic brain injury, substance abuse~~
155 ~~disorder, or psychological problem can be sentenced in~~



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156 ~~accordance with chapter 921 in a manner that appropriately~~
157 ~~addresses the severity of the mental illness, traumatic brain~~
158 ~~injury, substance abuse disorder, or psychological problem~~
159 ~~through services tailored to the individual needs of the~~
160 ~~participant. Entry into any Military Veterans and Servicemembers~~
161 ~~Court Program must be based upon the sentencing court's~~
162 ~~assessment of the defendant's criminal history, military~~
163 ~~service, substance abuse treatment needs, mental health~~
164 ~~treatment needs, amenability to the services of the program, the~~
165 ~~recommendation of the state attorney and the victim, if any, and~~
166 ~~the defendant's agreement to enter the program.~~

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

169 43.51 Problem-solving court reports.—

170 (2) For purposes of this section, the term "problem-solving
171 court" includes, but is not limited to, a drug court pursuant to
172 s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s.
173 948.20; a veterans treatment ~~military veterans' and~~
174 ~~servicemembers'~~ court pursuant to s. 394.47891, s. 948.08, s.
175 948.16, or s. 948.21; a mental health court program pursuant to
176 s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; a
177 community court pursuant to s. 948.081; or a delinquency
178 pretrial intervention court program pursuant to s. 985.345.

179 Section 3. Paragraph (a) of subsection (5) of section
180 910.035, Florida Statutes, is amended to read:

181 910.035 Transfer from county for plea, sentence, or
182 participation in a problem-solving court.—

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

184 (a) For purposes of this subsection, the term "problem-



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185 solving court" means a drug court pursuant to s. 948.01, s.
186 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans treatment
187 ~~military veterans' and servicemembers'~~ court pursuant to s.
188 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health
189 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.
190 948.08, or s. 948.16; or a delinquency pretrial intervention
191 court program pursuant to s. 985.345.

192 Section 4. Paragraph (k) of subsection (2) of section
193 948.06, Florida Statutes, is amended to read:

194 948.06 Violation of probation or community control;
195 revocation; modification; continuance; failure to pay
196 restitution or cost of supervision.—

197 (2)

198 (k)1. Notwithstanding s. 921.0024 and effective for
199 offenses committed on or after July 1, 2016, the court may order
200 the offender to successfully complete a postadjudicatory mental
201 health court program under s. 394.47892 or a veterans treatment
202 ~~military veterans and servicemembers~~ court program under s.
203 394.47891 if:

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

206 b. The underlying offense is a nonviolent felony. As used
207 in this subsection, the term "nonviolent felony" means a third
208 degree felony violation under chapter 810 or any other felony
209 offense that is not a forcible felony as defined in s. 776.08.
210 Offenders charged with resisting an officer with violence under
211 s. 843.01, battery on a law enforcement officer under s. 784.07,
212 or aggravated assault may participate in the mental health court
213 program if the court so orders after the victim is given his or



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214 her right to provide testimony or written statement to the court
215 as provided in s. 921.143;

216 c. The court determines that the offender is amenable to
217 the services of a postadjudicatory mental health court program,
218 including taking prescribed medications, or a veterans treatment
219 ~~military veterans and servicemembers~~ court program;

220 d. The court explains the purpose of the program to the
221 offender and the offender agrees to participate; and

222 e. The offender is otherwise qualified to participate in a
223 postadjudicatory mental health court program under s.
224 394.47892(4) or a veterans treatment ~~military veterans and~~
225 ~~servicemembers~~ court program under s. 394.47891.

226 2. After the court orders the modification of community
227 control or probation, the original sentencing court shall
228 relinquish jurisdiction of the offender's case to the
229 postadjudicatory mental health court program until the offender
230 is no longer active in the program, the case is returned to the
231 sentencing court due to the offender's termination from the
232 program for failure to comply with the terms thereof, or the
233 offender's sentence is completed.

234 Section 5. Paragraph (a) of subsection (7) of section
235 948.08, Florida Statutes, is amended to read:

236 948.08 Pretrial intervention program.—

237 (7) (a) Notwithstanding any provision of this section, a
238 person who is charged with a felony, other than a felony listed
239 in s. 948.06(8)(c), and who is identified as a veteran or a
240 servicemember, as defined in s. 394.47891, and is otherwise
241 qualified to participate in a veterans treatment court under s.
242 394.47891 s. 1.01; a veteran who is discharged or released under



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243 ~~any condition; a servicemember, as defined in s. 250.01; an~~
244 ~~individual who is a current or former United States Department~~
245 ~~of Defense contractor; or an individual who is a current or~~
246 ~~former military member of a foreign allied country, who suffers~~
247 ~~from a military service-related mental illness, traumatic brain~~
248 ~~injury, substance abuse disorder, or psychological problem is~~
249 eligible for voluntary admission into a pretrial veterans'
250 treatment intervention program approved by the chief judge of
251 the circuit, upon motion of either party or the court's own
252 motion, except:

253 1. If a defendant was previously offered admission to a
254 pretrial veterans' treatment intervention program at any time
255 before trial and the defendant rejected that offer on the
256 record, the court may deny the defendant's admission to such a
257 program.

258 2. If a defendant previously entered a court-ordered
259 veterans' treatment program, the court may deny the defendant's
260 admission into the pretrial veterans' treatment program.

261 Section 6. Paragraph (a) of subsection (2) of section
262 948.16, Florida Statutes, is amended to read:

263 948.16 Misdemeanor pretrial substance abuse education and
264 treatment intervention program; misdemeanor pretrial veterans'
265 treatment intervention program; misdemeanor pretrial mental
266 health court program.—

267 (2) (a) A veteran or a servicemember, as defined in s.
268 394.47891, who is otherwise qualified to participate in a
269 veterans treatment court under that section s. 1.01; a veteran
270 ~~who is discharged or released under any condition; a~~
271 ~~servicemember, as defined in s. 250.01; an individual who is a~~



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272 ~~current or former United States Department of Defense~~
273 ~~contractor; or an individual who is a current or former military~~
274 ~~member of a foreign allied country, who suffers from a military~~
275 ~~service-related mental illness, traumatic brain injury,~~
276 ~~substance abuse disorder, or psychological problem, and who is~~
277 charged with a misdemeanor is eligible for voluntary admission
278 into a misdemeanor pretrial veterans' treatment intervention
279 program approved by the chief judge of the circuit, for a period
280 based on the program's requirements and the treatment plan for
281 the offender, upon motion of either party or the court's own
282 motion. However, the court may deny the defendant admission into
283 a misdemeanor pretrial veterans' treatment intervention program
284 if the defendant has previously entered a court-ordered
285 veterans' treatment program.

286 Section 7. Present subsection (4) of section 948.21,
287 Florida Statutes, is renumbered as subsection (5), and a new
288 subsection (4) is added to that section, to read:

289 948.21 Condition of probation or community control;
290 military servicemembers and veterans.-

291 (4) Effective for a probationer or community controllee
292 whose crime is committed on or after October 1, 2020, and is a
293 veteran or a servicemember as defined in s. 394.47891, who is
294 otherwise qualified to participate in a veterans treatment court
295 under s. 394.47891, the court may, in addition to any other
296 conditions imposed, impose a condition requiring the probationer
297 or community controllee to participate in a treatment program
298 capable of treating the probationer or community controllee's
299 mental illness, traumatic brain injury, substance abuse
300 disorder, or psychological problem.



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301 Section 8. A Military Veterans and Servicemembers Court
302 Program in operation under s. 394.47891, Florida Statutes, as of
303 June 30, 2020, may continue to operate but must comply with the
304 amendments made by this act to that section. This act does not
305 affect or alter the rights or responsibilities of any person
306 who, as of June 30, 2020, was admitted to and participating in a
307 Military Veterans and Servicemembers Court Program established
308 under s. 394.47891, Florida Statutes.

309 Section 9. This act shall take effect July 1, 2020.

310
311 ===== T I T L E A M E N D M E N T =====

312 And the title is amended as follows:

313 Delete everything before the enacting clause
314 and insert:

315 A bill to be entitled
316 An act relating to veterans treatment courts; amending
317 s. 394.47891, F.S.; providing legislative intent;
318 providing definitions; authorizing the establishment
319 of veterans treatment courts by the chief judge of a
320 judicial circuit; specifying standards for admission
321 into the program; specifying required components and
322 policies for the program; specifying eligibility
323 requirements for participation in the program;
324 providing factors that a court must consider in
325 determining a defendant's eligibility to participate;
326 requiring participant agreements and specifying
327 requirements for such agreements; providing for
328 construction; specifying that the act does not create
329 a right to participate in the program; amending ss.



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330 43.51, 910.035, 948.06, 948.08, and 948.16, F.S.;

331 conforming provisions to changes made by the act;

332 amending s. 948.21, F.S.; authorizing a court to

333 impose a condition requiring a probationer or

334 community controllee who is eligible to participate in

335 a veterans treatment court to participate in certain

336 treatment programs under certain circumstances;

337 specifying applicability of the act to participants in

338 certain court programs in existence as of a specified

339 date; providing an effective date.

By Senator Lee

20-01536-20

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A bill to be entitled

An act relating to veterans treatment courts; creating s. 26.58, F.S.; providing a short title; providing legislative intent; providing definitions; authorizing certain courts to create and administer veterans treatment courts; providing eligibility criteria for participation in the veterans treatment court program; specifying program implementation procedures, components, and policies; requiring participant agreements and specifying requirements for such agreements; exempting certain statements and information from recordkeeping requirements; providing for liberal construction; specifying that the act does not create a right to participate in a veterans treatment court; providing an effective date.

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

Section 1. Section 26.58, Florida Statutes, is created to read:

26.58 Florida Veterans Treatment Court Act.-

(1) SHORT TITLE.-This act may be cited as the "Florida Veterans Treatment Court Act."

(2) LEGISLATIVE INTENT.-It is the intent of the Legislature to encourage and support the judicial circuits of the state, and other such agencies, local governments, interested public or private entities, and individuals, to create and maintain veterans treatment courts in each circuit. The purpose of a veterans treatment court program is to address the underlying

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causes of a veteran's involvement with the judicial system through the use of specialized dockets, multidisciplinary teams, and evidence-based treatment. A veterans treatment court program shall use nonadversarial approaches to resolve such issues. Veterans treatment courts depend on the leadership of judges or magistrates who are educated in the issues and science of veterans' behaviors leading to court involvement and require a rigorous team effort to detect, discern, and assist veterans in correcting the behaviors and choices that led to the veterans' court involvement. This act intends to create a detailed statewide standard for the creation and operation of, and the procedures for, veterans treatment courts.

(3) DEFINITIONS.-For purposes of this section, the term:

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

(b) "Domestic violence" has the same meaning as in s. 741.28(2).

(c) "Participant agreement" means the agreement as set forth in subsection (10) and any specific terms and conditions applicable to the defendant. The term includes any modifications made to the agreement under subsection (12).

(d) "Record," except as provided in subsection (14), means information that is inscribed in a tangible or electronic format and is retrievable in perceivable form.

(e) "Servicemember" means:

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

2. A member of the Florida National Guard;

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59 3. A contractor for the United States Department of
60 Defense; or

61 4. A military member of a foreign allied country.

62 (f) "Sign" has the same meaning as in s. 61.703(18).

63 (g) "State" means the state of Florida and includes a
64 federally recognized Indian tribe.

65 (h) "Veteran" means a person who has served in the
66 military.

67 (i) "Veterans treatment court" means the docket of a
68 veteran or servicemember that is administered by a court as set
69 forth in this section.

70 (4) AUTHORIZATION.—

71 (a) A court with jurisdiction in criminal cases may create
72 and administer a veterans treatment court.

73 (b) A veterans treatment court may adjudicate misdemeanors
74 and felonies.

75 (c) The chief judge and state attorney of the circuit that
76 is creating and administering the veterans treatment court:

77 1. May issue administrative orders concerning the veterans
78 treatment court.

79 2. Have the exclusive authority to determine whether a
80 veteran who has been dishonorably discharged, may participate in
81 the veterans treatment court within the circuit.

82 (5) ADMISSION.—A defendant in a criminal case who meets the
83 eligibility requirements under subsection (9) may be admitted to
84 a veterans treatment court at any stage of a criminal
85 proceeding. If a defense attorney chooses to have a case heard
86 in a veterans treatment court, the defense attorney must submit
87 an application to the state attorney. The state attorney and the

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88 court must review each application for admission to the veterans
89 treatment court using the eligibility requirements set forth in
90 subsection (9) and determine whether the defendant meets the
91 requirements.

92 (6) RECORD OF POLICIES AND PROCEDURES.—

93 (a) Each veterans treatment court shall seek input from
94 state attorneys and other interested persons in developing and
95 adopting policies and procedures to implement subsections (7)
96 and (8).

97 (b) A veterans treatment court shall create a record of the
98 policies and procedures adopted to implement subsections (7) and
99 (8).

100 (7) KEY COMPONENTS OF A VETERANS TREATMENT COURT.—

101 (a) A veterans treatment court may adopt policies and
102 procedures to implement the following key components, including:

103 1. Integrating substance abuse and mental health treatment
104 services, and any other related treatment and rehabilitation
105 services, with justice system case processing;

106 2. Using a nonadversarial approach in which the state
107 attorney and defense counsel promote public safety while
108 protecting the due process rights of the defendants;

109 3. Providing early identification of eligible defendants;

110 4. Monitoring defendants for abstinence from alcohol and
111 drugs by frequent testing;

112 5. Providing ongoing judicial interaction with each
113 defendant;

114 6. Monitoring and evaluating the achievement of each
115 defendant's program goals; and

116 7. Forging partnerships among the veterans treatment

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117 courts, the United States Department of Veterans Affairs, the
 118 Florida Department of Veterans' Affairs, public agencies, and
 119 community-based organizations to generate local support and
 120 enhance the effectiveness of the veterans treatment court.

121 (b) In adopting policies and procedures under this section,
 122 the court shall consult nationally recognized best practices
 123 related to the key components of veterans treatment courts.

124 (8) SUPPLEMENTAL POLICIES AND PROCEDURES OF VETERANS
 125 TREATMENT COURTS.—A veterans treatment court may adopt
 126 supplemental policies and procedures to:

127 (a) Refer a defendant with a medical need to an appropriate
 128 health care provider or refer a defendant for appropriate
 129 assistance, including assistance with housing, employment,
 130 nutrition, mentoring, and education.

131 (b) Address domestic violence offenses, including:

132 1. Referring a defendant who has been a victim of domestic
 133 violence, sexual trauma, child abuse, or other trauma to
 134 appropriate rehabilitative services;

135 2. Conferring with the victim or alleged victim of the
 136 domestic violence offense that serves as the basis for the
 137 defendant's participation in the veterans treatment court;

138 3. Evaluating and assessing a defendant charged with a
 139 domestic violence offense and integrating specific counseling as
 140 part of the total rehabilitative services for the defendant; and

141 4. Monitoring a defendant charged with a domestic violence
 142 offense to ensure compliance with a domestic violence protection
 143 order, a no contact order, and any prohibition on weapon
 144 possession.

145 (c) Otherwise encourage participation in the veterans

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146 treatment court.

147 (9) ELIGIBILITY.—

148 (a) A defendant may participate in a veterans treatment
 149 court if:

150 1. The defendant has a mental health condition, traumatic
 151 brain injury, or substance use disorder;

152 2. The defendant agrees on the court record to enter the
 153 veterans treatment court voluntarily and adhere to a participant
 154 agreement; and

155 3. The defendant's participation in the veterans treatment
 156 court is in the interest of justice and of benefit to the
 157 defendant and the community, as determined by:

158 a. The state attorney with regard to pretrial diversion; or

159 b. The court, with regard to all other matters.

160 (b) In making the determination under subparagraph (a)3.,
 161 the state attorney and the court shall consider:

162 1. The nature and circumstances of the offense charged;

163 2. Special characteristics or circumstances of the
 164 defendant;

165 3. The defendant's criminal history and whether the
 166 defendant previously participated in a veterans treatment court
 167 or a similar program;

168 4. Whether the defendant's needs exceed treatment resources
 169 available to the veterans treatment court;

170 5. The impact on the community of the defendant's
 171 participation and treatment in the veterans treatment court;

172 6. Recommendations of any law enforcement agency involved
 173 in investigating or arresting the defendant;

174 7. Special characteristics or circumstances of the victim

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175 or alleged victim;176 8. Any recommendation of the victim or alleged victim;177 9. Provision for and the likelihood of obtaining
178 restitution from the defendant over the course of participation
179 in the veterans treatment court;180 10. Mitigating circumstances; and181 11. Other circumstances reasonably related to the
182 defendant's case.183 (c) In making the determination under paragraphs (a) and
184 (b) in a case in which a domestic violence offense serves as the
185 basis for the defendant's participation in the veterans
186 treatment court, the state attorney and the court shall seek the
187 recommendation of the victim or alleged victim of the offense.188 (10) PARTICIPANT AGREEMENT.—To participate in a veterans
189 treatment court, the defendant must sign, and the court must
190 approve, a participant agreement. If admission to the veterans
191 treatment court occurs before conviction, the prosecutor must
192 sign the participant agreement.193 (11) VICTIM OF DOMESTIC VIOLENCE.—194 (a) If a victim or alleged victim of a domestic violence
195 offense that serves as the basis for the defendant's
196 participation in a veterans treatment court can reasonably be
197 located, the victim or alleged victim must be offered:198 1. Referral to services of domestic violence providers; and199 2. Information on how to report an allegation of:200 a. An offense committed by the defendant; or201 b. A violation by the defendant of the participant
202 agreement.203 (b) The participation by the defendant in a veterans

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204 treatment court does not alter the rights of a victim or alleged
205 victim of domestic violence under other provisions of law.206 (12) MODIFICATION OR TERMINATION.—If a veterans treatment
207 court determines after a hearing that a defendant has not
208 complied with the participant agreement, the veterans treatment
209 court may modify or revoke the defendant's participation in the
210 program.211 (13) COMPLETION OF THE PARTICIPANT AGREEMENT.—If a veterans
212 treatment court determines that a defendant has completed the
213 requirements of the participant agreement, the court must
214 dispose of the charge that served as the basis of participation
215 in the veterans treatment court in accordance with the
216 participant agreement and any applicable plea agreement, court
217 order, or judgment.218 (14) ACCESS TO RECORDS.—The following are not considered a
219 record for purposes of this section:220 (a) A statement made or record submitted by a defendant in
221 a veterans treatment court which is subject to 42 U.S.C. s.
222 290dd-2, as amended, and 42 C.F.R. part 2, as amended, regarding
223 confidentiality.224 (b) Any individually identifiable health information or
225 record pertaining to a defendant in a veterans treatment court
226 who is receiving substance abuse services which is subject to
227 the privacy regulations adopted under the Health Insurance
228 Portability and Accountability Act, 42 U.S.C. s. 1320d-6, as
229 amended, and 45 C.F.R. parts 160, 162, and 164, as amended, and
230 applicable state law.231 (15) LIBERAL CONSTRUCTION.—The provisions of this section
232 shall be liberally construed.

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233 (16) RIGHT TO PARTICIPATE.-This section does not create a
234 right of a veteran or servicemember to participate in a veterans
235 treatment court.

236 Section 2. This act shall take effect July 1, 2020.

Brown, Cindy

From: Sean M. Burnfin <burnfins@flcourts.org>
Sent: Tuesday, January 21, 2020 5:11 PM
To: Brown, Cindy
Cc: Eric Maclure; Sarah Naf Biehl; Blair Williams
Subject: RE: SB 1686

Hey Cindy,

Listed below are the counties with a veterans court program. Bay County implemented a veterans court in 2019, bringing the total current number to 31. All of these counties have some variation of a drug court, the only exception is Lake County, which does not have a drug court.

Counties with Veterans Court

Escambia
Okaloosa
Leon
Clay
Duval
Nassau
Citrus
Hernando
Lake
Marion
Sumter
Pasco
Pinellas
St. Johns
Volusia
Alachua
Orange
Osceola
Miami-Dade
Manatee
Sarasota
Hillsborough
Bay
Palm Beach
Broward
Brevard
Seminole
Indian River
St. Lucie
Collier
Lee

Sean M. Burnfin
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Tallahassee, FL 32399-1900
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Fax 850-488-0156
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Get the Florida Courts Help app and follow us on social media.



From: Brown, Cindy <BROWN.CINDY@flsenate.gov>
Sent: Tuesday, January 21, 2020 3:44 PM
To: Sean M. Burnfin <burnfins@flcourts.org>
Subject: RE: SB 1686

Sean,

Will you also please provide a list of counties that have veterans treatment court? I see that there is such a listing in the great resource guide OSCA provides online and am wondering if any counties have added one since the update of July 2017.

Additionally, can you please provide or direct me to a list of drug courts in the state?

Thanks very much,

Cindy

Cindy M. Brown
Senior Attorney
Senate Committee on Military and Veterans Affairs and Space
533 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

850.487.5785

From: Sean M. Burnfin <burnfins@flcourts.org>
Sent: Tuesday, January 21, 2020 11:12 AM
To: Brown, Cindy <BROWN.CINDY@flsenate.gov>

OFFICE OF THE STATE COURTS ADMINISTRATOR
2020 JUDICIAL IMPACT STATEMENT

BILL NUMBER: SB 1496

DATE: February 5, 2020

SPONSOR(S): Senator Lee

STATUTE(S) AFFECTED: Creates s. 26.58, F.S.

COMPANION BILL(S): HB 1085

AGENCY CONTACT: Sean M. Burnfin

TELEPHONE: (850) 922-0358

ASSIGNED OSCA STAFF: CK/EWM

- I. SUMMARY: The bill creates s. 26.58, F.S., the "Florida Veterans Treatment Court Act." The bill authorizes a court with jurisdiction in criminal cases to create and administer a veterans treatment court to adjudicate misdemeanors and felonies. The bill specifies that the intent is "to encourage and support the judicial circuits of the state, and other such agencies, local governments, interested public or private entities, and individuals to create and maintain veterans treatment courts in each circuit." The bill addresses applicable definitions, development and maintenance of policies and procedures, key components of a veterans treatment court, eligibility and admission, provisions related to domestic violence victims, participant agreements, modification or termination of participation, and access to records.
- II. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2012 the Legislature enacted provisions governing creation and operation of military veterans and service members court programs. (See the "T. Patt Maney Veterans' Treatment Invention Act," ss. 16-20, ch. 2012-159, Laws of Fla.). Specifically, and as subsequently amended, s. 394.47891, F.S., provides that veterans, as defined in s. 1.01, F.S.; veterans who were discharged or released under any condition; servicemembers, as defined in s. 250.01; individuals who are current or former United States Department of Defense contractors; and individuals who are current or former military members of a foreign allied country, who are charged or convicted of a criminal offense, and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem can be sentenced in accordance with chapter 921, F.S., in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Complementary statutory provisions include

ss. 948.01 (probation or community control), 948.06 (violation of probation or community control), 948.08(7) (felony pretrial veterans' treatment intervention), 948.16(2) (misdemeanor pretrial veterans' treatment intervention), and 948.21 (condition of probation or community control; military servicemembers and veterans), F.S. As discussed in the "Considerations" section, below, although there is some overlap between current statutory provisions and the bill, there are also substantive differences.

Presently, there are military veterans and servicemembers court programs in 17 of the 20 judicial circuits.¹

Effect of Proposed Changes

The bill provides authority for criminal courts to create and administer a veterans treatment court for an eligible defendant who has a mental health condition, traumatic brain injury, or substance use disorder. The bill provides definitions and eligibility criteria. Defendants are required to adhere to a participant agreement. The bill includes veterans or servicemembers who have been charged with a criminal offense. "Veteran" means a person who has served in the military. "Servicemember" means a member of the active or reserve components of the United States military, a member of the Florida National Guard, a Department of Defense contractor, or a military member of a foreign allied country. The chief judge and state attorney of the circuit have the exclusive authority to determine whether a veteran who has been dishonorably discharged may participate in the veterans treatment court.

If a defense attorney chooses to have a case heard in a veterans treatment court, the defense attorney must submit an application to the state attorney. The state attorney and court must review each application for admission to the veterans treatment court using eligibility requirements set forth in the bill. The defendant's participation must be found in the interest of justice and of benefit to the defendant and the community, as determined by the state attorney with regard to pretrial diversion, or the court with regard to all other matters. A veterans treatment court may adjudicate misdemeanors and felonies. The defendant must sign, and the court must approve, a participant agreement. If the defendant completes the agreement, the court shall dispose of the charge in accordance with the agreement and any applicable plea agreement, court order, or judgment. If a veterans treatment court determines after a hearing that a defendant has not complied with the participant agreement, the veterans treatment court may modify or revoke the defendant's participation in the program.

¹ Although not officially counted among the 17 circuits with a "military veterans and service members court," the Tenth Judicial Circuit operates a holistic veterans court docket with dedicated staff, an outreach counselor from the Veterans Administration/Department of Veterans Affairs, trained volunteer veteran mentors who are linked to a veteran to serve as a mentor/advocate, and relationships with providers and justice system partners. The Third Judicial Circuit, which does not operate such a court, issued an administrative order that provides for a qualifying defendant to move for transfer of his or her case to a circuit and county in which a veterans court exists, consistent with s. 910.035(5), F.S. The Sixteenth Judicial Circuit reports that it has, on a case-by-case basis, provided special services for veterans in conjunction with its adult drug court after recommendations from the state attorney's office.

Considerations

Review of the current statutory framework for military veterans and service members court programs and the provisions proposed by the bill identifies the following considerations:

- The bill does not reference, amend, or repeal existing s. 394.47891, F.S., which addresses the establishment of military veterans and service members court programs. It is not immediately clear how the two statutory frameworks might interact, such as, for example, whether veterans courts could be created and operated under either statute. Similarly, it is not known if the bill contemplates that existing military veterans and service members court programs would need to be modified to match any different criteria prescribed in the proposed s. 26.58, F.S.
- The bill does not reference, amend, or repeal existing ss. 948.06(2) (violation of probation or community control), 948.08(7) (felony pretrial veterans' treatment intervention), 948.16(2) (misdemeanor pretrial veterans' treatment intervention), and 948.21 (condition of probation or community control; military servicemembers and veterans), F.S. These sections contain some provisions that are not consistent with provisions in the bill. The Legislature may wish to harmonize applicable sections in chapter 948, F.S., to avoid potential confusion.
- Apparent substantive differences between the two statutory frameworks are:
 - Current statute (s. 394.47891, F.S.) specifies that a participant's mental illness, traumatic brain injury, substance abuse disorder or psychological problem is "military-related." The bill (lines 150-51) cites similar conditions but does not specify that the conditions are "military-related." Further, the bill does not include psychological problem among the specified conditions.
 - Current statute (s. 394.47891, F.S.) applies to current and former Department of Defense contractors and current and former military members of a foreign allied country. The bill appears to capture current contractors and foreign allied military members (lines 59-61).
 - Current statutes (ss. 948.08(7) (felony pretrial veterans' treatment intervention) and 948.16(2) (misdemeanor pretrial veterans' treatment intervention), F.S.) contemplate that referral to a program can be made upon motion of either party or the court's own motion. The bill (lines 82-91) provides for the defense attorney to submit an application to the state attorney with review by the state attorney and the court.
 - Current statute (s. 394.47891, F.S.) applies to veterans "discharged or released under any condition." The bill (lines 75-81) provides that the chief judge and the state attorney have the exclusive authority to determine whether a veteran who is dishonorably discharged may participate in that circuit's veterans treatment court.

- Current statute (s. 394.47891, F.S.) does not allow the veterans treatment court to adjudicate cases. The bill (lines 73-74) specifically authorizes a veterans treatment court to adjudicate misdemeanors and felonies.
- Current statutes (ss. 948.08(7) (felony pretrial veterans' treatment intervention) and 948.16(2) (misdemeanor pretrial veterans' treatment intervention), F.S.) place the decision to admit defendants into pretrial diversion programs with the court. The bill (lines 158) appears to allow the state attorney to make pretrial diversion decisions.
- Section 948.08(7) (felony pretrial veterans' treatment intervention), F.S., allows the court to deny admission if the defendant was previously offered admission to a pretrial veterans court and rejected the offer or had previously entered a court-ordered veterans court. Section 948.16(2) (misdemeanor pretrial veterans' treatment intervention), F.S., allows the court to deny admission if the defendant had previously entered a court-ordered veterans court. Proposed s. 26.58, F.S., specifies that the state attorney and the court shall consider whether the defendant previously participated in a veterans treatment court or a similar program (lines 165-67), as part of the determination whether the defendant's participation is in the best interest of justice and of benefit to the defendant and the community.
- Current statute (s. 394.47891, F.S.) provides for defendants who are charged or convicted of a criminal offense. The bill's definition of "defendant" (lines 43-44) applies to a veteran or servicemember charged with a criminal offense.

III. **ANTICIPATED JUDICIAL OR COURT WORKLOAD IMPACT:** Under the bill, a court's creation of a veterans treatment court is discretionary. The impact on judicial and court workload cannot be determined because it is not immediately clear how the provisions of this bill would operate in conjunction with the existing military and servicemembers courts and related statutes, such as, for example, whether existing veterans courts would be replaced by or modified in accordance with veterans courts authorized under proposed s. 26.58, F.S. See "Considerations" above. To the extent the bill may expand eligibility (e.g., because the condition does not have to be military-related), it will not have a significant fiscal impact because admission is discretionary and would be governed by existing resources.

IV. **IMPACT TO COURT RULES/JURY INSTRUCTIONS:** None anticipated.

V. **ESTIMATED FISCAL IMPACTS ON THE JUDICIARY:**

A. **Revenues:** None.

B. **Expenditures:** The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the effects on judicial or court workload resulting from creating and implementing the veterans treatment court program, as discussed in Section II and Section III, above.

SB 1496 – Veterans Treatment Courts (Similar HB 1085)

This bill creates s. 26.58, F.S., stating that “a court with jurisdiction in criminal cases may create and administer a veterans treatment court,” and “may adjudicate misdemeanors and felonies,” with a list of definitions for veterans and servicemembers who can participate in this program. It also gives them the exclusive authority to determine if a dishonorably discharged veteran can participate in veterans treatment court. Further specifications are established for the court, with eligibility for those with “a mental health condition, traumatic brain injury, or substance abuse disorder.” Furthermore, “if a veterans treatment court determines that a defendant has completed the requirements of the participant agreement, the court must dispose of the charge that served as the basis of participation in the veterans treatment court in accordance with the participant agreement and any applicable plea agreement, court order, or judgment.” Similar language currently exists under s. 394.47891, F.S.

As of March 2019, Florida has 31 veterans courts in operation. Per DOC, in FY 18-19, there were 142 offenders admitted for veterans’ treatment intervention. It is not known how many more eligible offenders there would be under this new language, so the number of offenders diverted from prison cannot be quantified.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

Requested by: Senate



The Florida Senate

Committee Agenda Request

To: Senator Tom Wright, Chair
Committee on Military and Veterans Affairs and Space

Subject: Committee Agenda Request

Date: January 17, 2020

I respectfully request that **Senate Bill #1496**, relating to Veteran Treatment Courts, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink that reads "Tom Lee".

Senator Tom Lee
Florida Senate, District 20

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-12-20

Meeting Date

SB 1496

Bill Number (if applicable)

271626

Amendment Barcode (if applicable)

Topic Veterans Treatment Courts

Name Steve Leifman

Job Title Judge

Address 500 South Duval Street

Phone (305) 548-5394

Street

Tallahassee

FL

32399

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Steering Committee on Problem-Solving Courts

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

2/12/20

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1496

Meeting Date

Bill Number (if applicable)

Topic Veterans

Amendment Barcode (if applicable)

Name Bill Helmick

Job Title

Address 120. S. Monroe St

Phone

Street

Tallahassee FL 32301

Email

City

State

Zip

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing VFW / American Legion

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

02/12/2020
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1496
Bill Number (if applicable)

Topic Veterans Treatment COURT

Amendment Barcode (if applicable)

Name FRED INGLEBY

Job Title MENTOR, Veterans Treatment Ct.
Private Probation Officer

Address POB 802

Phone 850 570 8034

HAVANA FL 32933
City State Zip

Email frizzy39@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Tallahassee Veterans Legal Collaborative

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-12-20
Meeting Date

1496
Bill Number (if applicable)

Topic VETERANS TREATMENT COURTS

Amendment Barcode (if applicable)

Name JOHN HAYNES

Job Title CHAIRMAN EMERITUS

Address 424 HIAWATHA FARMS
Street

Phone 850-443-3451

MONTECELLO FL 32344
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA VETERANS FOUNDATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/20
Meeting Date

1496
Bill Number (if applicable)

Topic Veterans Treatment Court

Amendment Barcode (if applicable)

Name Gail Ernst

Job Title Mentor

Address P.O. Box 802
Street

Phone 813-727-5983

HAVANA FL 32333
City State Zip

Email ernstgail@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Tallahassee Legal Collaborative

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2 12 20

Meeting Date

1496

Bill Number (if applicable)

Topic VETERANS TREATMENT COURTS

Amendment Barcode (if applicable)

Name Dan Hendrickson

Job Title president, Tallahassee Veterans Legal Collaborative

Address PO Box 1201

Phone 850/ 570-1967

Street

Tallahassee

Fl

32302

Email danbhendrickson@comcast.net

City

State

Zip

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing TALLAHASSEE VETERANS LEGAL COLLABORATIVE

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/2020

Meeting Date

1496

Bill Number (if applicable)

Topic Veterans Treatment Courts

Amendment Barcode (if applicable)

Name Daniel Olson

Job Title Director, Government Affairs

Address 400 S. Monroe

Street

Tallahassee

City

FL

State

32399

Zip

Phone

Email

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing Office of the Attorney General

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12 FEB 2020
Meeting Date

SB/496
Bill Number (if applicable)

Topic VETERANS TREATMENT COURT

Amendment Barcode (if applicable)

Name Roy L. Clark III

Job Title Director of Legislative and Cabinet Affairs

Address 400 S. Monroe Street

Phone 850-487-1533

Tallahassee FL 32399
City State Zip

Email CLARKR@FOVA.STATE.FL.US

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Department of Veterans Affairs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/20
Meeting Date

1496
Bill Number (if applicable)

Topic Veteran's Treatment Court

Amendment Barcode (if applicable)

Name Adam Ross

Job Title Executive Director - State Attorney's Office, Sixth Circuit

Address Po Box 5028
Street

Phone _____

Clearwater
City

FL
State

33758
Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing office of Bernice McCabe, State Attorney - Sixth Circuit

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1496
Bill Number (if applicable)

Meeting Date _____

Topic Veterans Treatment Court

Amendment Barcode (if applicable) _____

Name Robert Guilday

Job Title Social Worker

Address 2040 Bloxham Cutoff Rd
Street

Phone 850 544 1511

Crawfordville FL 32327
City State Zip

Email Robertguilday@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing TVLC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs and Space

BILL: CS/SB 1586

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Hooper and others

SUBJECT: First Responders Suicide Deterrence Task Force

DATE: February 11, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1586 creates the First Responders Suicide Deterrence Task Force, within the Department of Children and Families' Statewide Office of Suicide Prevention. The Task Force will provide recommendations on reducing suicide rates amongst active and retired first responders. In so doing, the bill requires the task force to identify or develop training programs, materials, and resources to better enable first responders to cope with life and work stress and foster a supportive organizational culture.

The task force is made up of representatives of the Florida Professional Firefighters, the Florida Police Benevolent Association, the Florida Fraternal Order of Police, the Florida Sheriffs Association, the Florida Police Chiefs Association, and the Florida Fire Chiefs Association.

The task force must report findings and recommendations on preventing suicide to the Governor and Legislature each July 1 from 2021 through 2023, at which time the task force will expire.

II. Present Situation:

Suicide

Suicide is a major public health issue and a leading cause of death nationally, with complex causes such as mental health and substance use disorders, painful losses, exposure to violence,

and social isolation. Suicide rates increased in nearly every state from 1999 through 2016.¹ In that timeframe, on average, suicide rates increased more than 30 percent in 25 states.²

While suicide is often characterized as a response to a single event or set of circumstances, suicide is, in fact, the result of multiple factors, spanning individual, family and other relationships, community, and societal causes. As the factors that contribute to any particular suicide are considered diverse, efforts related to prevention must incorporate multiple approaches.

In Florida, at 3,187 deaths in 2017, suicide was the 8th leading cause of death.³ The number of suicides in the state increased to 3,552 in 2018.⁴

Suicide Among First Responders

First responders include law enforcement personnel, firefighters, and emergency medical services workers. In comparison to the general population, first responders are at heightened risk for depression, post-traumatic stress disorder (PTSD), and suicide. Further, police and firefighters are more likely to commit suicide than die in the line of duty.⁵ Many first responders previously served in the military, which likely exposed them to trauma prior to becoming a first responder.⁶ Suicide amongst first responders is considered to be grossly underreported. For example, in a study conducted by the Firefighter Behavioral Health Alliance (FBHA), researchers estimate that only about 40 percent of firefighter suicides are reported.⁷

The Law Enforcement Mental Health and Wellness Act of 2017

Signed into law January 2018, the Law Enforcement Mental Health and Wellness Act of 2017 calls for the U.S. Department of Justice to review and report to Congress on mental health practices and services in the U.S. Departments of Defense and Veterans Affairs that could be adopted by law enforcement agencies to support first responders.⁸ The law additionally directs the Department of Justice to make recommendations on:

- Effectiveness of crisis lines for law enforcement officers;

¹ Centers for Disease Control and Prevention, *Vital Signs, Suicide rising across the US*; available at <https://www.cdc.gov/vitalsigns/suicide/infographic.html#graphic1> (last visited Feb. 5, 2020).

² Centers for Disease Control and Prevention, *Morbidity and Mortality Weekly Report (June 8, 2018)*; available at https://www.cdc.gov/mmwr/volumes/67/wr/mm6722a1.htm?s_cid=mm6722a1_w (last visited Feb. 5, 2020).

³ Bureau of Vital Statistics, Florida Department of Health, *FLHealthCHARTS Quick Facts (Sept. 2018)*; available at <http://www.flhealthcharts.com/charts/QuickFacts.aspx> (last visited Feb. 5, 2020).

⁴ Bureau of Vital Statistics, Florida Department of Health, *FLHealthCHARTS, Suicide crude death rate*; available at http://www.flhealthcharts.com/charts/DataViewer/DeathViewer/ten_year_report_OLAP.aspx?indnumber=0116&year=2018&ageFrom=0&ageTo=999 (last visited Feb. 5, 2020).

⁵ Miriam Heyman, Jeff Dill, and Robert Douglas, *The Ruderman White Paper on Mental Health and Suicide of First Responders* (April 2018), pg. 7-12; available at https://issuu.com/rudermanfoundation/docs/first_responder_white_paper_final_ac270d530f8bfb. PTSD rates amongst first responders, in contrast to the 6.8 percent reported for the general population, significantly increase to 14.6 percent to 22 percent for firefighters, and 35 percent for police officers.

⁶ *Id.* at 9.

⁷ *Id.* at 19-20.

⁸ U.S. Department of Justice, *Community Oriented Policing Services (COPS), Law Enforcement Mental Health and Wellness Services (LEMHWA) Program Resources*; available at <https://cops.usdoj.gov/lemhwaresources> (last visited Feb. 5, 2020).

- Efficacy of yearly mental health checks for law enforcement officers;
- Expanded peer mentoring programs; and
- Ensuring privacy for participants of these programs.⁹

The report, provided to Congress on March 2019, includes the following recommendations to enhance mental health and reduce suicide rates:

- Support the development of resources for community-based clinicians who interact with law enforcement and their families;
- Support placement of mental health professionals in law enforcement agencies;
- Encourage programs that permit retired law enforcement officers to access departmental peer support programs after separating employment;
- Support the development of model policies and implementation guidelines for agencies to make substantial efforts to reduce suicide;
- Support the creation of a Law Enforcement Suicide Event report surveillance system;
- Evaluate the efficacy of crisis lines;
- Support the expansion of peer support programs; and
- Bolster privacy protections for officers seeking support from peer crisis lines and other support programs.¹⁰

Statewide Office and Suicide Prevention Coordinating Council

The Statewide Office of Suicide Prevention (Statewide Office) is housed within the Department of Children and Families (DCF). As part of its duties, the Statewide Office must coordinate education and training curricula in suicide prevention efforts for law enforcement personnel, first responders to emergency calls, health care providers, school employees, and other persons who may have contact with persons at risk of suicide.¹¹

The Statewide Office is required to operate within available resources but is authorized to seek and accept grants or funds from federal, state, or local sources to support the operation and defray its and that of the Suicide Prevention Coordinating Council.¹²

The Suicide Prevention Coordinating Council (Council), located within the Statewide Office, develops strategies for preventing suicide and advises the Statewide Office regarding the development of a statewide plan for suicide prevention.¹³ The Council must annually by January 1 of each year submit a report on suicide prevention programs and activities to the Governor, the President of the Senate, and the Speaker of the House of Representatives.¹⁴

⁹ Public Law 115-113.

¹⁰ Spence, Deborah L., Melissa Fox, Gilbert C. Moore, Sarah Estill, and Nazmia E.A. Comrie, Community Oriented Policing Services (COPS), U.S. Dept. of Justice, *Law Enforcement Mental Health and Wellness Act, Report to Congress* (March 2019); available at <https://cops.usdoj.gov/RIC/Publications/cops-p370-pub.pdf>

¹¹ Section 14.2019(1) and (2), F.S.

¹² Section 14.2019(3), F.S.

¹³ Section 14.20195(1), F.S.

¹⁴ Section 14.20195(1)(c), F.S.

Task Force

A task force is an advisory body appointed as a temporary body to study a specific problem and recommend a solution or policy alternative to address that problem. The task force expires after completing its assignment. However, time limits apply. If created without specific statutory enactment, the term of the task force is limited to 1 year. If created in statute, the existence of the task force is capped at 3 years. Otherwise, its existence terminates upon completing its assignment.¹⁵

III. Effect of Proposed Changes:

This bill establishes the First Responders Suicide Deterrence Task Force. The task force is located within and supported by the Statewide Office for Suicide Prevention. The purpose of the task force is to make recommendations on how to reduce the incidence of suicide among current and retired first responders. The task force is made up of representatives of the Florida Professional Firefighters, the Florida Police Benevolent Association, the Florida Fraternal Order of Police, the Florida Sheriffs Association, the Florida Police Chiefs Association, and the Florida Fire Chiefs' Association.

In addition to making recommendations to reduce suicide, the bill requires the task force to identify or develop training programs and materials to better enable first responders to cope with life and work stress and foster an organizational culture that supports first responders. The bill identifies as a supportive organizational culture one that:

- Promotes mutual support and solidarity among first responders;
- Trains agency supervisors and managers to identify suicidal risk among first responders;
- Improves the use of existing resources by first responders; and
- Educates first responders on suicide awareness and resources for help.

The bill requires the task force to identify public and private resources to implement the training programs and materials. The task force must report its findings and recommendations to the Governor and Legislature each July 1, beginning in 2021. Consistent with s. 20.03, F.S., the task force expires after 3 years.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

¹⁵ Section 20.03(8), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The task force is not expected to have a significant fiscal impact on the Statewide Office of Suicide Prevention of the Department of Children and Families.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 14.2019 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on January 28, 2020:

The CS adds the Florida Police Benevolent Association, the Florida Fraternal Order of Police, and the Florida Fire Chiefs' Association to the First Responders Suicide Deterrence Task Force.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Children, Families, and Elder Affairs; and
Senators Hooper and Perry

586-02773-20

20201586c1

1 A bill to be entitled
2 An act relating to the First Responders Suicide
3 Deterrence Task Force; amending s. 14.2019, F.S.;
4 establishing the task force adjunct to the Statewide
5 Office for Suicide Prevention of the Department of
6 Children and Families; specifying the task force's
7 purpose; providing for the composition and the duties
8 of the task force; requiring the task force to submit
9 reports to the Governor and the Legislature on an
10 annual basis; providing for future repeal; providing
11 an effective date.
12
13 Be It Enacted by the Legislature of the State of Florida:
14
15 Section 1. Subsection (5) is added to section 14.2019,
16 Florida Statutes, to read:
17 14.2019 Statewide Office for Suicide Prevention.—
18 (5) The First Responders Suicide Deterrence Task Force, a
19 task force as defined in s. 20.03(8), is created adjunct to the
20 Statewide Office for Suicide Prevention.
21 (a) The purpose of the task force is to make
22 recommendations on how to reduce the incidence of suicide and
23 attempted suicide among employed or retired first responders in
24 this state.
25 (b) The task force is composed of a representative of the
26 statewide office and a representative of each of the following
27 first responder organizations, nominated by the organization and
28 appointed by the Secretary of Children and Families:
29 1. The Florida Professional Firefighters.

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

586-02773-20

20201586c1

30 2. The Florida Police Benevolent Association.
31 3. The Florida Fraternal Order of Police: State Lodge.
32 4. The Florida Sheriffs Association.
33 5. The Florida Police Chiefs Association.
34 6. The Florida Fire Chiefs' Association.
35 (c) The task force shall elect a chair from among its
36 membership. Except as otherwise provided, the task force shall
37 operate in a manner consistent with s. 20.052.
38 (d) The task force shall identify or make recommendations
39 on developing training programs and materials that would better
40 enable first responders to cope with personal life stressors and
41 stress related to their profession and foster an organizational
42 culture that:
43 1. Promotes mutual support and solidarity among active and
44 retired first responders;
45 2. Trains agency supervisors and managers to identify
46 suicidal risk among active and retired first responders;
47 3. Improves the use and awareness of existing resources
48 among active and retired first responders; and
49 4. Educates active and retired first responders on suicide
50 awareness and help-seeking.
51 (e) The task force shall identify state and federal public
52 resources, funding and grants, first responder association
53 resources, and private resources to implement identified
54 training programs and materials.
55 (f) The task force shall report on its findings and
56 recommendations for training programs and materials to deter
57 suicide among active and retired first responders to the
58 Governor, the President of the Senate, and the Speaker of the

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

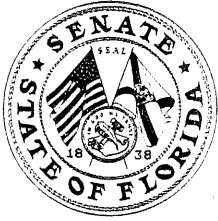
586-02773-20

20201586c1

59 House of Representatives by each July 1, beginning in 2021, and
60 through 2023.

61 (g) This subsection is repealed July 1, 2023.

62 Section 2. This act shall take effect July 1, 2020.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ED HOOPER

16th District

COMMITTEES:
Governmental Oversight and Accountability, Chair
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Health and
Human Services
Health Policy
Infrastructure and Security
Joint Select Committee on Collective Bargaining,
Alternating Chair
Joint Administrative Procedures Committee

January 29th, 2020

Honorable Tom A. Wright, Chair
Committee on Military and Veterans Affairs and Space
531 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Wright,

I am writing to request that SB 1586, First Responders Suicide Deterrence Task Force, be placed on the agenda to be heard in the Military and Veterans Affairs and Space Committee.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Hooper", written over a large, stylized circular flourish.

Ed Hooper

Cc: Staff Director, Diana Caldwell
Administrative Assistant, Lois Graham

REPLY TO:

- 3450 East Lake Road, Suite 305, Palm Harbor, Florida 34685-2411 (727) 771-2102
- 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 12, 2020

1586

Meeting Date

Bill Number (if applicable)

Topic First Responder Suicide Deterrence Task Force

Amendment Barcode (if applicable)

Name Ken "cop-CHEN-ski" Kopczynski

Job Title Lobbyist

Address 300~~50~~ East Brevard Street

Phone 222-3329

Street

Talla

FL

32301

Email ken@flpba.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-12-2020

Meeting Date

1586

Bill Number (if applicable)

Topic FIRST RESPONDER SUICIDE DETERRENCE TASK FORCE Amendment Barcode (if applicable)

Name ANTORRIO WRIGHT

Job Title LIEUTENANT

Address 2500 W COLONIAL DR

Street

Phone 407-259-7448

ORLANDO, FL 32804

City

State

Zip

Email ANTORRIO.WRIGHT@ocfl.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ORANGE COUNTY SHERIFF'S OFFICE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/12/2020

Meeting Date

CS/SB 1586

Bill Number (if applicable)

Topic Children, Families, and Elder Affairs

Amendment Barcode (if applicable)

Name Chief RAY Colburn

Job Title Executive Director

Address 5289 PALM Dr.

Phone 407-468-6622

Street

MELBourne BEACH, FL

32951

City

State

Zip

Email ray@afca.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA Fire Chiefs ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/20
Meeting Date

1586
Bill Number (if applicable)

Topic Suicide Deterrence Task Force

Amendment Barcode (if applicable)

Name Rocco Salvatori

Job Title Firefighter

Address 343 W Madison St
Street

Phone _____

Tallahassee FL 34209
City State Zip

Email Rocco@fpfp.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Professional Firefighters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Military and Veterans Affairs and Space Committee

Judge:

Started: 2/12/2020 4:01:13 PM

Ends: 2/12/2020 5:02:58 PM

Length: 01:01:46

4:01:11 PM Chair Wright calls the meeting to order
4:01:13 PM CAA Lois Graham calls the roll
4:01:34 PM Pledge of Allegiance led by Senator Broxson
4:01:57 PM Chair Wright with opening comments
4:02:25 PM Tab 2 - CS/SB 1586, First Responders Suicide Deference Task Force by Senator Hooper
4:02:39 PM Senator Hooper explains the bill
4:03:49 PM Senator Torres with question
4:03:56 PM Senator Hooper responds
4:04:40 PM Appearance Forms
4:04:44 PM Ken Kopczynski, Lobbyist waives in support
4:04:58 PM Antorrio Wright, Lieutenant, Orange County Sheriff's Office, waives in support
4:05:08 PM Chief Ray Colburn, Executive Director Florida Fire Chiefs Association, waives in support
4:05:17 PM Rocco Salvatori, Firefighter, Florida Professional Firefighters, waives in support
4:05:27 PM Senator Hooper waives close
4:05:35 PM Roll call on CS/SB 1586
4:05:39 PM CS/SB 1586 is reported favorably
4:05:45 PM Informal Recess
4:05:51 PM Recording Paused
4:09:29 PM Recording Resumed
4:09:37 PM Meeting resumed
4:10:32 PM Tab 1- SB 1496 Veterans Treatment Courts by Senator Lee
4:10:47 PM Senator Lee explains the bill
4:13:30 PM Late-filed amendment Barcode 271626
4:13:40 PM Without objection, amendment introduced
4:13:42 PM Senator Lee explains the amendment
4:14:03 PM Senator Harrell with question
4:14:15 PM Senator Lee responds
4:15:51 PM Senator Harrell with follow-up
4:16:19 PM Senator Lee responds
4:16:55 PM Senator Harrell with follow-up
4:17:21 PM Senator Lee responds
4:17:40 PM Chair Wright with comments
4:17:51 PM Staff responds
4:18:05 PM Chair Wright with comments
4:18:22 PM Senator Harrell with follow-up
4:18:32 PM Staff responds
4:18:41 PM Senator Harrell with additional question
4:18:49 PM Staff responds
4:18:58 PM Senator Lee with comments
4:19:23 PM Senator Pizzo with question
4:19:34 PM Chair Wright with comments
4:19:47 PM Appearance Forms
4:19:57 PM Judge Steve Leifman speaks on amendment
4:24:11 PM Senator Gainer with question
4:24:32 PM Judge responds
4:24:48 PM Judge responds further
4:24:58 PM Senator Gainer with follow-up
4:25:04 PM Judge responds
4:25:28 PM Senator Pizzo with question
4:25:36 PM Judge responds
4:25:41 PM Senator Pizzo with question
4:25:53 PM Judge responds

4:26:25 PM Senator Pizzo with follow-up
4:26:46 PM Judge responds
4:27:43 PM Senator Broxson with question
4:28:18 PM Judge responds
4:29:47 PM Senator Broxson with follow-up
4:30:29 PM Judge responds
4:30:46 PM Senator Harrell with question
4:31:27 PM Judge responds
4:32:35 PM Senator Torres with question
4:34:48 PM Judge responds
4:36:29 PM Senator Torres with follow-up
4:36:48 PM Judge responds
4:37:54 PM Senator Pizzo with question
4:38:40 PM Judge responds
4:38:45 PM Senator Pizzo with follow-up
4:38:59 PM Judge responds
4:39:12 PM Senator Pizzo with follow-up
4:39:18 PM Judge responds
4:39:25 PM Senator Pizzo with follow-up
4:39:29 PM Judge responds
4:40:18 PM Senator Lee closes on amendment
4:40:51 PM Amendment adopted
4:41:02 PM Appearance Forms
4:41:15 PM Bill Helmich, VFW/American Legion, waives in support
4:41:23 PM Fred Ingley, Tallahassee Veterans Legal Collaborative, waives in support
4:41:34 PM Gail Ernst, Tallahassee Legal Collaborative, waives in support
4:41:41 PM John Haynes, Florida Veterans Foundation, speaks in support
4:45:24 PM Fred Ingley speaks in support
4:47:52 PM Senator Broxson with comment
4:48:04 PM Dan Hendrickson, President, Tallahassee Veterans Legal Collaborative, speaks in support
4:50:48 PM Daniel Olson, Government Affairs Director, Office of Attorney General, waives in support
4:50:58 PM Roy L. Clark III, Director of Legislative and Cabinet Affairs, Florida Department of Veterans Affairs
4:51:05 PM Adam Ross, Executive Director, State Attorney's Office, Sixth District, waives in support
4:51:18 PM Robert Guilday, Social Worker, Tallahassee Veterans Legal Collaborative, waives in support
4:51:28 PM Senator Cruz in debate
4:52:44 PM Senator Harrell in debate
4:54:13 PM Senator Torres in debate
4:55:50 PM Senator Broxson in debate
4:57:52 PM Senator Pizzo in debate
4:58:39 PM Chair Wright with comments
4:59:06 PM Senator Lee closes on bill
5:02:15 PM Roll call on CS/SB 1496
5:02:29 PM CS/SB 1496 is reported favorably
5:02:36 PM Comments from Chair Wright
5:02:41 PM Senator Gainer moves to adjourn
5:02:43 PM Meeting adjourned