

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA  
ADMINISTRATIVE ORDER NO. 4.18

**VETERANS TREATMENT COURT**

**In order to provide for** the establishment of a Veterans Treatment Court in Alachua County; and

**WHEREAS**, section 394.47891, Florida Statutes, authorizes the establishment of a Military Veterans and Service Members Court Program; and

**WHEREAS**, section 948.08(7) and 948.16(2), Florida Statutes, provide for the establishment of a Veterans Treatment Program; and

**WHEREAS**, a Veterans Treatment Program provides for the requirements of Alachua County and the needs of justice-involved veterans suffering from a military-related mental illness, traumatic brain injury, substance-abuse disorder, or psychological problem; and

**WHEREAS**, there is a recognized need for a Veterans Treatment Program supported by the collaborative efforts of the Eighth Judicial Circuit Court, in and for Alachua County, the United States Department of Veterans Affairs (“VA”), Alachua County Court Services, the Office of the State Attorney for the Eighth Judicial Circuit, and the Office of the Public Defender for the Eighth Judicial Circuit;

**IT IS ORDERED:**

A Veterans Treatment Court (“VTC”) is hereby established in Alachua County, Florida. Qualified veterans may participate in Veterans Treatment Court in one of three tracks: Misdemeanor Pretrial Intervention, Felony Pretrial Intervention, or Felony Post-Adjudication.

VTC shall employ a coordinated treatment strategy modeled after the therapeutic jurisprudence principles and key components in section 397.334(4), Florida Statutes. VTC shall utilize a treatment team model for coordination of each veteran’s participation in VTC.

## I. TREATMENT TEAM MEMBERS

All treatment team members shall be present at each court event. In addition to the attorneys assigned to VTC by the State Attorney and Public Defender, the Treatment Team shall include the following:

- A. **Alachua County Specialty Courts Manager (Court), Chair of the Treatment Team.** Shall be responsible for leading treatment team meetings and staffing, preparing the VTC docket, and gathering data and statistics as necessary and appropriate.
- B. **Veterans Mentor Coordinator (Court).** Shall oversee, recruit and train volunteer mentors. The volunteer mentors are responsible for assisting veterans throughout their participation in the program, and providing a unique and important service to VTC.
- C. **Veterans Justice Outreach Coordinator (“VJO”) (VA).** Shall determine eligibility for VA benefits, and assist in the development of an individualized treatment plan for each VTC participant.
- D. **Pretrial Release Assessment Specialist (Alachua County Court Services)** – Shall supervise, monitor and provide court updates on each veteran’s compliance with court-imposed conditions.
- E. **Treatment Court Supervisor (Alachua County Court Services)** – Shall screen all justice-involved veterans in Alachua County for VTC eligibility, and forward names of veterans who meet VTC criteria to the State Attorney for program approval.

## II. ELIGIBILITY

- A. An individual must be a veteran or service member, as defined in sections 1.01 and 250.01, Florida Statutes.
- B. An individual must suffer from a military-related mental illness, traumatic brain injury, substance-abuse disorder, or psychological problem.

- C. An individual who is identified at First Appearance as a veteran and a potential candidate for VTC shall be designated for screening for VTC by the presiding judge. The VJO and Treatment Court Supervisor shall be notified via the First Appearance Order.
- D. Each veteran's case identified and designated for screening for VTC shall be docketed for the next scheduled VTC date for eligibility review. The docketing of the veteran's case does not act as a formal transfer to VTC.
- E. Eligible individuals may have their case transferred to Alachua County VTC from another county or circuit pursuant to section 910.035, Florida Statutes, upon agreement of the parties and acceptance by the VTC Judge. Requests from other circuits to have a case transferred to Alachua County VTC shall be directed to the Specialty Courts Manager.
- F. Violation of Probation cases are ineligible for VTC.

**III. MISDEMEANOR VTC PRETRIAL INTERVENTION/FELONY VTC PRETRIAL INTERVENTION**

- A. A defendant is eligible for consideration to participate in Misdemeanor VTC Pretrial Intervention if he or she meets the requirements of section 948.16(2)(a), Florida Statutes, with the exception that DUI offenses are ineligible and crimes involving domestic violence are ineligible without the consent of the victim and Office of the State Attorney.
- B. A defendant is eligible for consideration to participate in Felony VTC Pretrial Intervention if he or she meets the requirements of section 948.08(7)(a), Florida Statutes. See also section 948.06(8)(c), section 1.01, and section 250.01, Florida Statutes. In addition, DUI offenses are ineligible and crimes involving qualifying domestic violence are ineligible without the consent of the victim and the Office of the State Attorney.

- C. The State, the defendant, or Court may make the motion/referral for transfer to VTC. A written motion or referral must be filed by the party making the referral. The motion or referral shall be heard by the VTC Judge. The moving or referring party shall notice opposing counsel as well as the VJO ([paula.ambroso@va.gov](mailto:paula.ambroso@va.gov)), Treatment Court Supervisor ([fowens@alachuacounty.us](mailto:fowens@alachuacounty.us)), and the Specialty Courts Manager ([woods@circuit8.org](mailto:woods@circuit8.org)) upon filing the motion or referral so that the eligibility review can begin immediately. The moving or referring party shall set the matter on the next appropriate VTC docket by contacting the Specialty Courts Manager.
- D. A case may not be transferred to VTC before formal charges are filed. This provides an adequate opportunity for: (1) the State to determine what charges, if any, will be filed; (2) an accurate determination of whether the charge(s) is/are eligible for VTC; (3) the defendant to consult with counsel; and (4) the defendant to voluntarily agree to enter VTC, review and sign VTC contract, waive the right to speedy trial (in writing), and review and consent to the protocol of sanctions.
- E. A case is formally transferred to VTC only after an order transferring the case to VTC is entered by the VTC Judge. Any pending court dates in the originating criminal court division shall be adhered to by the defendant until an order transferring case to VTC is entered.
- F. Upon transfer to VTC, the defendant shall be required to attend court hearings as set by the VTC Judge. The defendant must participate in continued assessment and treatment as determined by the Court and Treatment Team. The participation must include providing voluntary and truthful information to the VTC Treatment Team, and to all collaborating entities providing treatment of any type.
- G. The VTC Judge will monitor the case while the defendant is enrolled in the VTC program. Throughout participation in VTC, if the defendant fails to comply with VTC requirements, the VTC Judge may order the defendant to continue in education and treatment, may impose sanctions pursuant to the VTC protocol, or

may sign an order terminating the defendant's participation in VTC. In monitoring a case through the VTC program, the VTC Judge shall consider the recommendation of the treatment team, the State Attorney, and attorney for the defendant.

- H. In determining whether the defendant has successfully completed the VTC program, the VTC Judge shall consider the recommendations of the treatment team, the State Attorney, and attorney for the defendant. If the VTC Judge finds that the defendant has successfully completed the VTC program, such finding shall be made in writing and the case will be dismissed. If the Court finds that the defendant has not successfully completed the VTC program, the Court may order the person to continue in education and treatment, or order that the charges revert to normal channels of prosecution. See § 948.08(7)(c), Florida Statutes.

#### **IV. MISDEMEANOR/FELONY POST-ADJUDICATION PROGRAM**

- A. A defendant who is eligible for VA benefits and suffers from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, but is not accepted into the program for any reason may be considered for Post-Plea Veterans Treatment Court.
- B. A defendant must enter a plea agreement which provides for the unconditional resolution of the defendant's case in the event the defendant successfully completes the program, or in the event the defendant fails to successfully complete the program. The plea agreement must provide that any motion to withdraw a plea after acceptance into VTC shall be governed by Florida Rule of Criminal Procedure 3.170(l), and Florida Rule of Appellate Procedure 9.140(b)(2)(A)(ii)a-e. Prior to presentation of the negotiated plea agreement to the Court, the parties shall notice the VJO ([paula.ambroso@va.gov](mailto:paula.ambroso@va.gov)), Treatment Court Supervisor ([fowens@alachuacounty.us](mailto:fowens@alachuacounty.us)), and the Specialty Court Manager ([woods@circuit8.org](mailto:woods@circuit8.org)) of the hearing date and time. The notice shall be provided no later than 7 days prior to the scheduled plea date.

- C. The State and the defendant must demonstrate to the sentencing judge that the defendant voluntarily agrees to enter and complete the VTC program, has an understanding of the requirements of the VTC program, and has consented to the protocol of sanctions.
- D. Upon acceptance of the plea and the negotiated disposition, the division judge (sentencing court) shall sign an order transferring to VTC under the VTC Post-Plea Program.
- E. Upon transfer to VTC, the defendant shall be required to attend court hearings as set by the VTC Judge. The defendant must participate in continued assessment and treatment as determined by the Court and Treatment Team. The participation must include providing voluntary and truthful information to the VTC, Treatment Team, and to all collaborating entities providing treatment of any type.
- F. The VTC Judge shall monitor the case while the Defendant is enrolled in the VTC post-plea program. Should the defendant not comply with the requirements of VTC, the VTC Judge may order the defendant to continue in education and treatment, may impose sanctions pursuant to the VTC protocol, or may sign an order terminating the defendant's participation in the VTC Post-Plea Program and return the case to the originating criminal division (sentencing court) for sentencing pursuant to the unsuccessful completion of VTC sentencing alternative.
- G. Should a defendant successfully complete the VTC post-plea program, the defendant's case shall also be returned to the originating division (sentencing court) for sentencing pursuant to the successful completion of VTC sentencing alternative.

This Administrative Order replaces and supersedes Administrative Order No. 4.18(v2) entitled "Veterans Treatment Court," dated November 19, 2015.

The effective date of this Order is July 1, 2016.

**ORDERED ON** this 26th day of August, 2016.

A handwritten signature in blue ink, appearing to read "Robert E. Roundtree, Jr.", is written above a horizontal line.

Robert E. Roundtree, Jr., Chief Judge