FLORIDA HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

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BILL #: CS/CS/HB 199	**COMPANION BILL:** CS/SB 50 (Gaetz)
TITLE: Veterans Affairs	**LINKED BILLS:** None
SPONSOR(S): Maney	**RELATED BILLS:** None

FINAL HOUSE FLOOR ACTION: 110 **Y's** 0 **N's** **GOVERNOR'S ACTION:** Approved

SUMMARY

Effect of the Bill:
The bill:

- Repeals the existing requirement for a defendant to apply to and be approved by the state attorney for the defendant to be eligible for admission into a veterans treatment court (VTC) program, and instead authorizes the court, in consultation with a multidisciplinary team, to make such a determination if certain requirements are met.
- Requires the court to consider any recommendation of the state attorney when making an eligibility determination for VTC placement.
- Notwithstanding general sentencing requirements, authorizes a sentencing court to place a defendant into a postadjudicatory VTC program if the defendant's offense is a specified nonviolent felony and the defendant is a servicemember or veteran who is otherwise qualified to participate in a VTC program.
- Grants jurisdiction to the postadjudicatory VTC to adjudicate any violation of probation or community control committed by such a defendant.

Fiscal or Economic Impact:
The bill may have an indeterminate negative impact on jail and prison beds by allowing a court, in consultation with a multidisciplinary team, to admit an eligible defendant into a VTC program, and by diverting eligible defendants into postadjudicatory VTC programs, which may reduce the number of defendants who are incarcerated pretrial or sentenced to jail or prison.

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ANALYSIS

EFFECT OF THE BILL:

The bill amends existing requirements for admission to a veterans treatment court (VTC) program at any stage of a criminal proceeding. Specifically, the bill repeals the requirement for:

- A defendant seeking to participate in a VTC program to submit an application to the state attorney for admission.
- The state attorney to review each application and determine whether the defendant meets specified eligibility requirements.
- The state attorney to approve an eligible defendant's placement into a VTC program.

Instead, the bill authorizes an eligible defendant to be placed into such a program with the approval of the court, in consultation with a multidisciplinary team. The bill requires the court to consider any recommendation of the state attorney when making an eligibility determination for VTC placement. (Section 1)

Effective for offenses committed on or after July 1, 2026, and notwithstanding the general sentencing requirements under s. 921.0024, F.S., the bill also authorizes a sentencing court to place a defendant into a postadjudicatory VTC program if the defendant's offense is a nonviolent felony, the defendant is a servicemember or veteran as defined in s. 394.47891(2), F.S., and otherwise qualified to participate in a veterans treatment court program under s. 394.47891(8), F.S. Under the bill:

- Satisfactory completion of the program must be a condition of the defendant's probation or community control.
- The defendant must be fully advised of the purpose of the VTC program and agree to enter the program.
- The original sentencing court must relinquish jurisdiction of the defendant's case to the postadjudicatory VTC program until the defendant is no longer active in the program, the case is returned to the sentencing court due to the defendant's termination from the program for failure to comply with the terms of the program, or the defendant's sentence is completed. (Section 2)

Under the bill, the term "nonviolent felony" means a third degree felony violation under chapter 810, F.S., related to burglary or trespass, or any other felony offense that is not a forcible felony as defined in s. 776.08, F.S. (Section 2)

The bill specifies that if a defendant is sentenced to a postadjudicatory VTC program and thereafter commits a violation of probation or community control under s. 948.06, F.S., then the judge presiding over the postadjudicatory VTC program must hear the violation of probation or community control. The bill directs the VTC program judge to dispose of any violation, after a hearing on or admission of the violation, as he or she deems appropriate if the resulting sentence or conditions are lawful. (Section 2)

The bill was approved by the Governor on June 11, 2026, ch. 2026-128, L.O.F., and will become effective on July 1, 2026. (Section 3)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate negative impact on prison beds by allowing a court, in consultation with a multidisciplinary team, to admit an eligible defendant into a VTC program, and by diverting eligible defendants into postadjudicatory VTC programs. To the extent that such defendants are admitted into pretrial or postadjudicatory VTC programs, the bill may reduce the amount of defendants who are incarcerated pretrial or sentenced to jail or prison.

LOCAL GOVERNMENT:

The bill may have an indeterminate negative impact on jail beds by allowing a court, in consultation with a multidisciplinary team, to admit an eligible defendant into a VTC program, and by diverting eligible defendants into postadjudicatory VTC programs. To the extent that such defendants are admitted into pretrial or postadjudicatory VTC programs, the bill may reduce the amount of defendants who are incarcerated pretrial or sentenced to jail.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Problem-Solving Courts

Problem-solving courts are designed to address the root causes of a person's involvement with the justice system.[1] Such courts do this by utilizing specialized court dockets, multidisciplinary teams, and a non-adversarial approach to ensure a person receives the individualized treatment he or she needs to successfully leave the justice system.[2] As of October 2025, there were at least 180 problem-solving courts in Florida.[3] The most common types of problem-solving courts include:

[1] Office of the State Courts Administrator (OSCA), *Florida Problem-Solving Courts Report*, https://www.flcourts.gov/content/download/2448144/file/2024%20Florida%20Problem-Solving%20Courts%20Annual%20Report%20-%20Final.pdf (last visited Mar. 12, 2026).
[2] *Id.*
[3] *Id.*

- Adult drug courts;
- Adult mental health courts;
- Early childhood courts;
- Veterans courts;
- Juvenile drug courts;
- Dependency drug courts;
- DUI courts; and
- Juvenile mental health courts.[4]

Treatment-Based Drug Court and Mental Health Court Programs
Sections 397.334 and 394.47892, F.S., authorize each county to fund a treatment-based drug court and mental health court program, respectively, to appropriately address persons in the justice system assessed with a substance abuse problem or mental illness through treatment services tailored to the individual needs of the person.[5] A treatment-based drug court or mental health court program may be offered as a voluntary pretrial program or as a postadjudicatory program as a condition of probation or community control.[6]

Notwithstanding s. 921.0024, F.S., and effective for offenses committed on or after July 1, 2009, the sentencing court may place a defendant into a postadjudicatory treatment-based drug court program if the:

- Defendant's scoresheet total sentence points under s. 921.0024, F.S., are 60 points or fewer;
- Offense is a nonviolent felony;[7]
- Defendant is amenable to substance abuse treatment; and
- Defendant otherwise qualifies under s. 397.334(3), F.S.

Notwithstanding s. 921.0024, F.S., and effective for offenses committed on or after July 1, 2016, the sentencing court may place a defendant into a postadjudicatory mental health court program if the:

- Offense is a nonviolent felony;[8]
- Defendant is amenable to mental health treatment, including taking prescribed medications; and
- Defendant is otherwise qualified under s. 394.47892(4), F.S.

Entry into any postadjudicatory treatment-based drug court or mental health court program as a condition of probation or community control must be based upon the sentencing court's assessment of the defendant's criminal history, substance abuse or mental health screening outcome, amenability to the services of the program, total sentence points, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.[9]

For both postadjudicatory drug court and mental health court programs, the original sentencing court must relinquish jurisdiction of the defendant's case to the postadjudicatory drug court or mental health court program until the defendant is no longer active in the program, the case is returned to the sentencing court due to the defendant's termination from the program for failure to comply with the terms thereof, or the defendant's sentence is completed.[10,11]

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[4] *Id.*
[5] Ss. 397.334(1), F.S., and 394.47892(1), F.S.
[6] Ss. 397.334(2) and (3), F.S., and 394.47892(2)-(4), F.S.
[7] The term "nonviolent felony" means a third degree felony violation under chapter 810, F.S., or any other felony offense that is not a forcible felony as defined in s. 776.08, F.S. Ss. 948.01(7)(a), F.S. and 948.01(8)(a), F.S.
[8] *Id.*
[9] Ss. 397.334(3)(a) and 394.47892(4)(a), F.S.
[10] Ss. 948.01(7)(b) and 948.01(8)(b), F.S.
[11] The satisfactory completion of a drug court or mental court program must be a condition of the defendant's probation or community control. Ss. 948.01(7)(a) and 948.01(8)(a), F.S.

A defendant who is sentenced to a postadjudicatory drug court or mental health court program and who, while a participant in such program, is the subject of a violation of probation or community control under s. 948.06, F.S. must have any violation of probation or community control heard by the judge presiding over the postadjudicatory drug court or mental health court program. The judge must dispose of any such violation, after a hearing on or admission of the violation, as he or she deems appropriate if the resulting sentence or conditions are lawful.[12]

Veterans Treatment Court Programs

Section 394.47891, F.S., authorizes a court with jurisdiction over criminal cases to create and administer a veterans treatment court (VTC) program.[13] Modeled after treatment-based drug court programs, VTCs divert eligible veterans[14] and servicemembers[15] into treatment programs for service-related conditions or trauma, including:

- Traumatic brain injury;
- Substance use disorder;
- Psychological problems; and
- Military sexual trauma.[16]

Under s. 394.47891(3)(d), F.S., the chief judge and state attorney of the judicial circuit that creates and administers a VTC program have the exclusive authority to determine whether veterans who have been dishonorably discharged may participate in the program within the circuit. Diversion to a VTC program may occur at any stage of a criminal proceeding.[17] A defendant who seeks to participate in a VTC program must submit an application to the state attorney, who in turn must review each application and determine whether the defendant meets specified eligibility requirements.[18]

Veterans Treatment Court Eligibility Requirements

Section 394.47891(8), F.S., outlines the eligibility requirements for VTC programs. A defendant may participate in such a program if he or she is approved by the state attorney, in consultation with the court, and meets the following criteria:

- The defendant has a service-related mental health condition, service-related traumatic brain injury, service-related substance use disorder, or service-related psychological problem or has experienced military sexual trauma.
- The defendant's participation in the VTC program is in the interest of justice and of benefit to the defendant and the community.[19]

In making the above determination, the state attorney, in consultation with the court, must consider:

- The nature and circumstances of the offense charged.
- The special characteristics or circumstances of the defendant and any victim or alleged victim, including any recommendation of the victim or alleged victim.
- The defendant's criminal history and whether the defendant previously participated in a VTC program or similar program.
- Whether the defendant's needs exceed the treatment resources available in the VTC program.
- The impact on the community of the defendant's participation and treatment in the VTC program.
- Recommendations of any law enforcement agency involved in investigating or arresting the defendant.

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[12] Ss. 397.334(3)(b) and 394.47892(4)(b), F.S.
[13] S. 394.47891(3)(a), F.S.
[14] "Veteran" means a person who has served in the military. S. 394.47891(2)(d), F.S.
[15] "Servicemember" means a member of the active or reserve components of the United States Army, Navy, Air Force, Marine Corps, Space Force, 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. S. 394.47891(2)(c), F.S.
[16] S. 394.47891(8)(a)1., F.S.
[17] S. 394.47891(4), F.S.
[18] *Id.*
[19] S. 394.47891(8)(a), F.S.

- If the defendant owes restitution, the likelihood of payment during the defendant's participation in the VTC program.
- Any mitigating circumstances.
- Any other circumstances reasonably related to the defendant's case.[20]

Probation and Community Control

A court may sentence an offender to probation or community control in lieu of, or in addition to, incarceration.[21] Probation is a form of community supervision requiring specified contacts with a probation officer and other terms and conditions.[22] Community control is a more intensive form of supervision involving an individualized program that restricts an offender's movement within the community, home, or residential placement.[23] Several standard conditions of probation or community control apply automatically, including requirements to report to a probation officer as directed and to live without violating any law.[24] The court may also impose special conditions of probation or community control as it considers proper.[25] Failure to meet any condition of supervision is a violation of probation or community control (VOP).

Generally, upon a finding that an offender committed a VOP, the court may revoke, modify, or continue supervision.[26] If the court chooses to revoke probation, it may impose any sentence that was permissible at the offender's original sentencing hearing[27] under the Criminal Punishment Code (CPC) sentencing guidelines.[28] The sentencing guidelines provide a formula for computation of an offender's lowest permissible prison sentence, based on factors such as the offender's current and prior offenses. Generally, a court may only sentence an offender to a sentence less than that required by the CPC if it makes written findings justifying a downward departure at the sentencing hearing.[29]

A court may order a defendant to successfully complete a postadjudicatory treatment-based drug[30] or mental health[31] court program in specified cases if, in part, the underlying offense is a nonviolent felony. The term "nonviolent felony" means a third degree felony violation under chapter 810, F.S., related to burglary or trespass, or any other felony offense that is not a forcible felony as defined in s. 776.08, F.S.

Forcible Felonies

Under s. 776.08, F.S., "forcible felony" means:

- Treason;
- Murder;
- Manslaughter;
- Sexual battery;
- Carjacking;
- Home-invasion robbery;
- Robbery;
- Burglary;
- Arson;
- Kidnapping;

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[20] S. 394.47891(8)(b), F.S.
[21] S. 948.01, F.S.
[22] S. 948.001(8), F.S.
[23] S. 948.001(3), F.S.
[24] S. 948.03(1), F.S.
[25] S. 948.03(2), F.S.
[26] S. 948.06(2)(a), F.S.
[27] S. 948.06(2)(b), F.S.
[28] S. 921.0024, F.S.
[29] *State v. Roman*, 634 So. 2d 291 (Fla. 1st DCA 1994).
[30] S. 948.06(2)(j), F.S.
[31] S. 948.06(2)(k), F.S.

- Aggravated assault;
- Aggravated battery;
- Aggravated stalking;
- Aircraft piracy;
- Unlawful throwing, placing, or discharging of a destructive device or bomb; and
- Any other felony which involves the use or threat of physical force or violence against any individual.

Probation or Community Control for Military Servicemembers and Veterans

Under s. 948.21, F.S., a person who is a veteran or servicemember may qualify for programs that address service-related mental illnesses, traumatic brain injuries, substance abuse disorders, psychological problems, or military sexual trauma. For example, s. 948.21(4), F.S., permits the court, in addition to any other conditions imposed, to impose a condition requiring a qualifying probationer or community controlee whose crime is committed on or after July 1, 2021, and who is otherwise eligible to participate in VTC, to participate in a treatment program capable of addressing service-related issues. The court must also give preference to treatment programs for which the probationer or community controlee is eligible through the United States Department of Veterans Affairs or the Florida Department of Veterans' Affairs.[32]

Criminal Punishment Code

Felony offenses which are subject to the Criminal Punishment Code[33] are listed in a single offense severity ranking chart (OSRC),[34] which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.[35,36] A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense.[37,38] The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.[39]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	CS/CS/CS/HB 845 – Veterans Affairs	Maney *Wright*	The bill passed the House but died in the Senate.

[32] S. 948.21(5), F.S.
[33] All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code. S. 921.002, F.S.
[34] S. 921.0022, F.S.
[35] S. 921.0022(2), F.S.
[36] Felony offenses that are not listed in the OSRC default to statutorily assigned levels, as follows: an unlisted third-degree felony defaults to a level 1; an unlisted second-degree felony defaults to a level 4; an unlisted first-degree felony defaults to a level 7; an unlisted first-degree felony punishable by life defaults to a level 9; and an unlisted life felony defaults to a level 10. S. 921.0023, F.S.
[37] Ss. 921.0022 and 921.0024, F.S.
[38] A person may also accumulate points for factors such as victim injury points, community sanction violation points, and certain sentencing multipliers. S. 921.0024(1), F.S.
[39] If a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control. S. 921.0024(2), F.S.