

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

ADMINISTRATIVE ORDER S-2013-054

MISDEMEANOR VETERANS TREATMENT COURT

It is necessary and appropriate to create a new subdivision of the County Criminal Division to focus on individuals charged with misdemeanor offenses who are veterans suffering from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem. This specialized Misdemeanor Veterans Treatment Court division will enable consideration of the unique nature of the issues related to veterans, the need for appropriate treatment in an environment conducive to wellness, as well as the continuing necessity to ensure the protection of the public.

The Misdemeanor Veterans Treatment Court (Veterans Court) will authorize a judge to expeditiously and efficiently divert veterans with service-related issues into available veteran treatment programs without compromising the safety of the public. This specialized court will increase the efficiency of the county criminal court system and permit access to state, local and federal services and resources by utilizing Veterans Administration and Veteran Mentor Volunteer resources and support systems.

By the authority vested in the chief judge under article V, Section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

1. Establishment

County Criminal Division "V" is hereby established as the Veterans Court Division.

2. Eligibility

In order to participate in the Veterans Court, a defendant must meet the following criteria:

A. Discharge and Condition

The defendant must be a veteran discharged with honorable conditions who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.

B. Offense Charged

The defendant must be charged with a misdemeanor offense, county ordinance violation or municipal ordinance violation enumerated below. If the defendant has multiple pending charges and all of the charges are on the list of enumerated offenses, the defendant remains eligible to participate on all pending charges. If the defendant is charged with a non-DUI criminal traffic offense in addition to the enumerated offense, the companion criminal traffic charge may also be included in the Veterans Court. If the defendant is charged with a violation of a City of Tampa criminal ordinance that is ancillary to an enumerated state statute violation, the companion ordinance violation may also be included in the Veterans Court. The enumerated offenses and violations are:

State Statute Misdemeanor Offenses

Statute	Offense
365.172(13)	False 911 call
562.11	Possession of alcohol by a person under 21 years of age
810.08	Trespass in structure or conveyance (not occurring at a private residence, unless the residence is vacant)
810.09	Trespass on property other than structure or conveyance (not occurring at a private residence, unless the residence is vacant)
843.02	Resisting an officer without violence
843.03	Obstruction by a disguised person
856.011	Disorderly intoxication
877.03	Disorderly conduct
893.13(6)(b)	Possession of cannabis
893.145	Possession of drug paraphernalia
901.36(1)	False name to law enforcement officer
-----	Any other criminal offense approved by the State Attorney's Office

Hillsborough County Ordinance Violations

Ordinance	Violation
84-16 sec. 6	Failure to vacate a condemned structure
92-7	Public consumption of alcohol
00-34	Unlawful distribution of handbills
27-34	Unlawful plant removal

08-17	Crimes involving county parks
11-2	Solicitation on public road
-----	Any other ordinance violation approved by the State Attorney's Office

City of Tampa Ordinance Violations

Ordinance	Violation
25-173	Solicitation and distribution on public roads
14-46	Solicitation violations
14-150	Consumption of alcoholic beverages violations
Ch. 16	City park violations
-----	Any other ordinance violation approved by the municipal prosecutor for the City of Tampa

City of Plant City Ordinance Violations

Ordinance	Violation
90-04	Unauthorized entry into city park
10-2	Alcoholic beverages in public areas
10-96	Consuming alcoholic beverage in prohibited area
50-2	Prohibited camping
50-3	Remaining in city park
-----	Any other ordinance violation approved by the State Attorney's Office

City of Temple Terrace Ordinance Violations

Ordinance	Violation
3.335	Open container violation
-----	Any other ordinance violation approved by the State Attorney's Office

C. Veterans Administration Services Eligibility

The defendant must be eligible to receive services for evaluation and treatment planning through the Veterans Administration and Veteran Mentor Volunteer resources and support systems, or other available court-approved state, local or federal resources.

D. Voluntary Participation

The defendant must voluntarily agree to participation in the Veterans Court.

3. Referral of Cases

If a defendant appears for arraignment or disposition on eligible charges, and appears to be a veteran eligible for the Veterans Court, the defendant will be given a new disposition date within the originating division within 20 days. Prior to the disposition date, the defendant must be assessed by the Veterans Administration Criminal Justice Outreach Liaison to determine whether the defendant is a veteran who was discharged under honorable conditions, and if so, whether the defendant is eligible for treatment planning with the Veterans Administration or alternative community resources. If the defendant is not eligible, the case will remain in the originating division and proceed through the criminal justice system. If the defendant is eligible and wishes to participate in the Veterans Court, the defendant must waive speedy trial. The assistant state attorney will announce that the file is being transferred for participation in the Veterans Court. The originating division judge will order the case transferred to Veterans Court, Division "V," and order the case set on the next Veterans Court docket. A felony charge which has been reduced to an eligible misdemeanor charge may also be transferred to Veterans Court.

4. Participation in Veterans Court

A. General Procedures

Veterans Court is intended to be a coordinated strategy of treatment specific to the needs of the veteran and modeled after principles of therapeutic jurisprudence. Once a defendant has been transferred to Veterans Court, the defendant is required to attend court hearings as set by the assigned Veterans Court judge. The defendant must participate in continued assessment and treatment and engage in discharge planning. Neither the Office of the State Attorney nor the Office of the Public Defender will be required to attend hearings set in Veterans Court. If the court determines that the defendant should be unsuccessfully discharged from Veterans Court, the court will enter an order transferring the case(s) back to the originating division and setting the defendant on a disposition docket in that division. Copies of the transfer order must be provided to the defendant, the Office of the State Attorney and the Office of the Public Defender, or other counsel of record (all parties). If the court determines that the defendant has successfully completed Veterans Court, the court will issue an Order of Administrative Dismissal of the pending charges. Copies of the dismissal order will be provided to all parties. A defendant will not be required to participate in the Veterans Court any longer than 12 months.

B. New Arrest for Misdemeanor Charge or Ordinance Violation

i. Enumerated Charge or Violation

If a defendant is arrested for a new enumerated misdemeanor charge or ordinance violation (i.e., section 2B of this administrative order) while participating in Veterans Court, the Veterans Court judge will determine whether or not the defendant remains amenable for treatment and should be allowed to continue to participate in the program. If so, and the defendant agrees, the new charge will be transferred in the same manner provided for in section 3 of this administrative order. If the Veterans Court judge determines that the defendant should not remain in the program, the defendant will be unsuccessfully discharged by the court entering an order transferring the case(s) back to the originating division and setting the defendant on a disposition docket in that division. Copies of the unsuccessful discharge transfer order will be provided to all parties.

ii. Non-Enumerated Charge

If a defendant is arrested for a new non-enumerated misdemeanor charge or ordinance violation (i.e., not listed in section 2B of this administrative order) while participating in Veterans Court, the Office of the State Attorney will review the new case to determine if it should also be referred to Veterans Court. The Veterans Court judge will also determine whether or not the defendant remains amenable for treatment and should be allowed to continue to participate in Veterans Court. If both the Office of the State Attorney and the Veterans Court judge agree to allow the defendant to remain in Veterans Court, and the defendant agrees, the new charge will be transferred in the same manner provided for in section 3 of this administrative order. If the Office of the State Attorney or the Veterans Court judge determines that the defendant should not remain in Veterans Court, the defendant will be unsuccessfully discharged by the court entering an order transferring the case(s) back to the originating division and setting the defendant on a disposition docket in that division. Copies of the transfer order will be provided to all parties.

C. New Felony Arrest

If a defendant is arrested for a new felony charge while participating in Veterans Court, the Office of the State Attorney will determine whether the new felony charge is one which may be considered for reduction to a misdemeanor and eligible for the defendant to continue participating in Veterans Court. If the Office of the State Attorney reduces the felony charge to an eligible misdemeanor charge and the presiding judge of Veterans Court agrees to allow the defendant to continue participating in Veterans Court, then the felony charge which has been reduced to an eligible misdemeanor charge will be transferred to Veterans Court.

If the defendant is arrested for a new felony charge while participating in Veterans Court, and the Office of the State Attorney does not reduce the charge to an eligible misdemeanor charge, the defendant will be unsuccessfully discharged from Veterans Court by the presiding judge entering an order transferring the case(s) back to the originating division and setting the defendant on a disposition docket in that division. Copies of the transfer order will be provided to all parties.

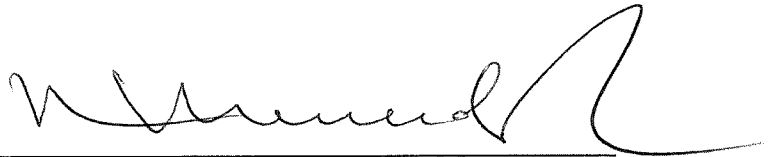
5. Confidential Records

Patient treatment records are deemed confidential as provided by Florida law and generally must not be filed in the court file. If it is necessary that a treatment record or report or any portion of a treatment record or report be filed with the Clerk of Court for placement in the court file of a defendant in Veterans Court, the filer must also file a "Motion to Determine Confidentiality of Court Records" in accordance with Florida Rule of Judicial Administration 2.420. The court will enter any appropriate order in accordance with Rule 2.420.

6. Effective Date

This administrative order is effective October 1, 2013.

It is ORDERED in Tampa, Hillsborough County, Florida on this 12th day of August, 2013.



Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Court
Copy to: All Criminal Division Judges
Veterans Administration
Mark Ober, State Attorney
Julianne Holt, Public Defender