

ADMINISTRATIVE ORDER
NO. 2016-07

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND OSCEOLA
COUNTIES, FLORIDA

ORDER GOVERNING VETERANS COURT

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, section 394.47891, Florida Statutes, provides authority for the establishment of military and service members court programs; and

WHEREAS, the purpose of Veterans Court is to reduce recidivism by emphasizing treatment and rehabilitation as an alternative to incarcerations, while also requiring offender accountability and increasing public safety; and

WHEREAS, this specialized 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. Veterans Court authorizes a judge to expeditiously and efficiently divert veterans with service-related issues into available veteran treatment programs without compromising the safety of the public;

NOW, THEREFORE, I, Frederick J. Lauten, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida, under Florida Rule of Judicial Administration 2.215, hereby order the following, effective **immediately**, to continue until further order and superseding any provisions in prior Administrative Orders which may be inconsistent:

- A. The Ninth Judicial Circuit shall develop and implement a Veterans Treatment Court Program (VTC) to facilitate the provision of services to veterans involved in the criminal justice system. Qualified participants are veterans who, either by pre-trial diversion, plea, or verdict are charged or convicted of a misdemeanor or felony criminal offense other than a felony listed in section 948.06(8)(c), Florida Statutes, and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological issue.
- B. The referral of a defendant into VTC may be made by any of the criminal trial divisions with no plea taken, and may be made by defense counsel, the State Attorney's Office, the Court, the Veterans Court Program Office (Program office), or any other interested party.
- C. As part of the referral, the referring person/agency must complete and submit a Veterans Court referral packet to the Program Office to initiate the referral approval process.
- D. Participation in VTC is voluntary and in order to participate, the defendant must waive their right to a speedy trial prior to entering the VTC.
- E. Upon receipt of a completed referral packet, the Program Office will send all eligible and completed packets the State Attorney's Office for determination of track and to the Veterans Administration for confirmation of military service and benefits qualification.
- F. Upon receipt of the referral packet, the State Attorney's Office shall determine whether or not the defendant is eligible for a specific track of the VTC, shall indicate this

information on the referral packet, and shall forward the Referral Packet back to the Program Office.

- G. The Program Office will then forward the completed Referral packet with a VTC initial status date to the Clerk of Court's Office for placement of the case on the next VTC docket.
- H. The Program Office will also notify the referring subdivision's judicial assistant, clerk, and attorneys that the case has been approved for VTC and that it may be removed from the referring subdivision's docket.
- I. At the initial status hearing in VTC, if the defendant desires to enter VTC, a signed Veterans Court Agreement outlining all of the requirements for participation and successful completion will be entered on the case. At the initial status hearing, the defendant will be ordered to enter and successfully complete the VTC program. If the defendant is entering VTC on the post-plea condition of probation track, then the Unified Problem Solving Court Judge will sentence the defendant to an appropriate term of probation with VTC as a special condition.
- J. Once the defendant signs the Agreement and enters VTC, the case will remain assigned by the clerk's office to VTC for status purposes.
- K. Defendants accepted into VTC will attend court hearings as ordered by the Unified Problem Solving Court Judge. The defendant shall participate in ongoing assessments, treatment and discharge planning until VTC graduation. The minimum length of stay in VTC is six (6) months for misdemeanors and twelve (12) months for felonies, up to the statutory maximum. The minimum length of stay in VTC may be modified for diversion cases at the discretion of the State Attorney or, in the case of post-plea condition of probation cases, the Unified Problem Solving Court Judge. If a defendant fails to

successfully complete VTC, the case may be returned to the original subdivision for further prosecution.

- L. In diversion cases where the defendants have been rejected from participating in VTC, or cases where the defendant has chosen to opt out of VTC, the case may be re-assigned back to the subdivision where the case was originally assigned or resolved in VTC.
- M. In diversion cases where the defendant has successfully completed VTC, the State Attorney shall file a nolle prosequi.
- N. In probation cases, should the defendant be ejected from VTC as a result of a VTC violation, the Florida Department of Corrections or the respective county probation office shall initiate an affidavit of violation of probation and shall submit the affidavit to the Problem Solving Court Judge. Nothing herein shall prohibit the Florida Department of Corrections or the respective county probation office from filing a violation of probation for any failure of the defendant to comply with conditions of probation. If the Problem Solving Court Judge determines that there is a legal basis to do so, he/she shall issue a warrant for violation of probation. Upon arrest on the violation of probation warrant, the Problem Solving Court Judge shall resolve the violation of probation proceeding via a plea or hearing and impose a sentence if appropriate.
- O. In probation cases where the defendant has complied with all other special and standard conditions of probation (including restitution) the Court shall give due consideration to the early termination of probation.

DONE AND ORDERED at Orlando, Florida, this 17th day of May, 2016.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

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