

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2021-033 PA/PI-CIR

RE: VETERANS TREATMENT COURT

The Chief Judge and the State Attorney of the Sixth Judicial Circuit have collaborated and agreed to establish a post-adjudicatory Veterans Treatment Court program authorized under section 394.47891, Florida Statutes. The Florida Legislature has appropriated \$150,000 in recurring general revenue to both Pasco County and Pinellas County. In 2021, the Florida Legislature amended the statutory requirements of eligibility and structure of the Veterans Treatment Court.

In order to update those who are eligible to participate in the Veterans Treatment Court in Pasco and Pinellas Counties and in accordance with Article V, section 2, of the Florida Constitution, Florida Rules of General Practice and Judicial Administration 2.215, and section 43.26, Florida Statutes, it is

ORDERED:

I. Guidelines

1. The purpose of Veterans Treatment Court, (“VTC”), is to comprehensively address, through collaboration between the court system, treatment providers, and the United States Department of Veterans Affairs, the service-related mental health and substance abuse issues of certain veterans and members of the United States Armed Forces who are charged with criminal offenses. The goal is to reduce recidivism through treatment. The Sixth Judicial Circuit’s VTC program serves veterans post adjudication.

2. The Clerk of the Circuit Court for Pasco County (“Pasco Clerk”) shall not assign cases on a random basis to sections 30 and 31 of the Criminal Division and the Clerk of the Circuit Court for Pinellas County (“Pinellas Clerk”) shall not assign cases on a random basis to section N as provided in Local Rule 3, rather cases shall be assigned as further specified in this Administrative Order.

3. The Chief Judge and the State Attorney have agreed to consider dishonorably discharged veterans for participation in VTC on a case by case basis. Submission of facts under oath regarding such discharges may be required.

4. Application Procedures:

- a. A defendant seeking to participate must submit an application to the State Attorney’s Office (SAO) using their approved form. The SAO must review each application to determine whether the applicant is eligible to participate in VTC under section 394.47891(8), Florida Statutes. Regardless of eligibility for VTC, the SAO will refer all applicants for VTC to the appropriate Veterans Administration Judicial Outreach Coordinator.

- b. Section 394.47891, Florida Statutes, does not create a right of a veteran or service member to participate in a veteran's treatment court program. If a defendant is denied admission into VTC, the SAO shall notify the defendant or defendant's counsel, if applicable. If a case was transferred to VTC from another criminal section, the applicable Clerk shall transfer the case back to that section.
- c. A defendant may participate in a veteran's treatment court program if he or she is approved by the State Attorney, in consultation with the Court, and meets the statutory criteria.

5. The Circuit Court Judges assigned to VTC will handle both misdemeanor and felony cases. Pursuant to Administrative Order 2021-011, and subsequent administrative orders, the assigned Circuit Court Judge may proceed as an acting County Court Judge to hear misdemeanor cases in VTC.

6. A defendant who applies or participates in VTC must voluntarily and truthfully provide information to aid VTC at each step of the process.

7. By agreeing to have his or her case heard in VTC, the defendant waives the right to a speedy trial. The defendant also agrees that no depositions will be taken, trial dates scheduled, or substantive pre-trial motions heard. If a pre-trial motion must be heard, the case shall be transferred to a regular criminal section.

8. To participate in VTC, the defendant must submit to a mental health and/or substance abuse assessment. This assessment will evaluate the defendant's mental health and/or substance abuse issues and the resources needed for proper treatment. The assessment must use objective standards and criteria and must be conducted by the Court's licensed contract provider.

9. Prior to submitting to the mental health and/or substance abuse assessment, the defendant must execute a written consent form with a waiver of confidentiality as outlined in 42 C.F.R § 2.31 for records made confidential under 42 U.S.C.S. 290dd-2, section 397.501, Florida Statutes, and section 394.4615, Florida Statutes. If the defendant refuses to execute the written consent or provide any other information necessary for VTC, the defendant's case(s) shall not be filed in or transferred into VTC. To the extent already filed in or transferred to VTC, the applicable Clerk shall transfer the case(s) to another criminal section within the county in accordance with Local Rule 3 or shall transfer it to the section from which it was transferred, respectively.

10. The SAO will review applications and determine eligibility for participation in VTC. The SAO offers a pre-trial intervention program that is available to certain defendants, regardless if the defendant is a veteran. This pre-trial intervention program is not a veteran specific pre-trial intervention program and is administered and contained within the SAO. If the SAO determines that the veteran is eligible for their pre-trial intervention program, the SAO shall notify the Court. If the SAO determines a veteran is eligible for participation in post-adjudicatory VTC, the SAO shall consult with the Court and transfer the case(s) to the VTC docket in the appropriate section.

II. Veterans Participation in Pre-Trial Intervention Program

11. The SAO shall review a veteran, like any other defendant, to determine whether the veteran is eligible for participation in the pre-trial intervention program offered by the SAO.

12. Veterans who were determined eligible and participated in the SAO's pre-trial intervention program pursuant to section 948.08(1)-(5), Florida Statutes, may have a dismissal of charge(s). The SAO will make the final determination as to whether the veteran has met the requirements of the SAO pre-trial program. After such determination, the SAO shall make a recommendation to the Court concerning dismissal.

13. If a veteran fails to comply or cooperate with the requirements of the pre-trial intervention program, the SAO pre-trial intervention program shall notify the Court.

III. Post-Adjudicatory VTC Participation

14. Defendants may be accepted to VTC as part of a disposition from a criminal court or upon the agreement of the SAO as authorized through section 948.06, Florida Statutes, and section 948.21, Florida Statutes. The SAO may initially file complaints in VTC or transfer a case with the agreement of the defendant.

15. The programs imposed in VTC are within the Court's discretion, and include but are not limited to outpatient treatment programs, non-secure residential treatment programs, and intensive, secure, long-term residential treatment programs. Other conditions of probation may be ordered, such as anger management, Batterer's Intervention Program or other domestic violence counseling, random drug testing, a requirement to obtain a G.E.D, or a requirement to participate in transitional housing and related services.

16. The sanctions imposed in VTC for violating probation are within the Court's discretion. The judge may continue probation, may revoke probation and order a new term of probation, may impose a term of incarceration in either the county jail or Department of Corrections, as provided by the Criminal Punishment Code, or impose any other sanction authorized by law.

17. Every defendant participating in VTC must periodically return to court for a judicial review. The purpose of a judicial review is to assess the defendant's level of participation in treatment, monitor the overall success of treatment, and admonish or encourage the defendant in his or her attempt at rehabilitation. Prior to a judicial review, the judge may hold a case staffing with treatment providers, court staff, probation personnel, the defendant's counsel, assistant state attorneys, and others selected by the judge.

18. Defendants who participated in VTC post-plea and who successfully complete and graduate from VTC may have an adjudication of guilt withheld or receive a reduced probationary period. The VTC judge will review a defendant's successful completion of the assigned treatment and make the ultimate decision of whether a defendant may graduate from VTC.

IV. Administration of VTC

19. The Administrative Office of the Courts will facilitate the process by which a defendant is assessed; coordinate the procedure by which the written assessment is furnished to the State Attorney, defense counsel, and judge; assist the Court in managing its caseload; compile statistics; maintain the necessary documents to demonstrate compliance with any funding requirements; prepare the cases scheduled on the VTC calendar; schedule initial appointments with treatment providers; and perform other case management functions for the Court as required.

This Administrative Order shall take effect immediately and Administrative Order 2019-059 PA/PI-CIR is hereby rescinded.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, this _____ day of August 2021.

ORIGINAL SIGNED ON AUGUST 23, 2021
BY ANTHONY RONDOLINO, CHIEF JUDGE

cc: All Judges
The Honorable Bruce Barnett, State Attorney
The Honorable Sara Mollo, Public Defender
The Honorable Nikki Alvarez-Sowles, Clerk of the Circuit Court, Pasco County
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Chris Nocco, Sheriff, Pasco County
The Honorable Bob Gualtieri, Sheriff, Pinellas County
Gay Inskeep, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Kimberly Thompson, Director of Criminal Courts, Pasco County Clerk's Office
Michele Emmerman, Director of Administrative Services for Pasco County
Ken Hale, Veterans Administration Judicial Outreach Coordinator, Pasco County
Bay Pines Veterans Administration Healthcare System
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties