

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR SEMINOLE COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
12-14-S

IN RE: COUNTY COURT - MISDEMEANOR VETERANS' TREATMENT COURT

WHEREAS, specialized courts can enhance the expediency, effectiveness and quality of judicial administration;

WHEREAS, it is essential that a new strategy be implemented to isolate and focus upon individuals arrested for misdemeanor offenses who are veterans who have been diagnosed with a service connected behavioral health issue, in view of the unique nature of behavioral health issues related to veterans, and the need for appropriate treatment in an environment conducive to wellness and not punishment, as well as the continuing necessity to insure the protection of the public;

WHEREAS, there is a recognized need to bring defendants qualified to participate in the Veterans' Treatment Court before a judge assigned to expeditiously and efficiently move veterans with service connected behavioral health issues from an overcrowded jail system into veteran treatment programs without compromising the safety of the public; and

WHEREAS, a centralized Veterans' Treatment Court that utilizes available Veteran Administration and Veteran Mentor Volunteer resources and support systems will increase the efficiency of the criminal court system in this circuit and permit better access to a continuing shrinkage of state and local resources and services;

NOW THEREFORE, by authority vested in me as Chief Judge and pursuant to the Florida Rules of Judicial Administration, it is

ORDERED:

1. A Veterans' Treatment Court shall be operational within the Seminole County Court Criminal Division to hear cases involving defendants who are veterans who are eligible for treatment, evaluation, or placement related to a behavioral health issue and who have been arrested for misdemeanors or criminal traffic offenses, with the exception of those charged with driving under the influence. Court approval will be considered upon the consent of the victim and the State Attorney and an agreement to participate by the defendant and the defendant's attorney. Veterans'

Treatment Court may also hear cases in which a defendant is charged with a violation of county court probation for a nondriving under the influence offense with the consent of the county court judge of the criminal division to which the case is assigned.

2. Referrals into the program may be made *sua sponte* by any court, by Court Services, by the Forensic Program at the Seminole County Jail, the state attorney, the defense attorney, law enforcement, mental health providers, Veteran Organizations, or any other interested person. The criterion for admittance into the program requires verification by the Veterans Administration that the defendant is entitled to receive veteran services for treatment, evaluation, or placement related to a behavioral health issue.
3. Upon confirmation from the Veterans Administration that the defendant is entitled to receive veteran services for treatment, evaluation, or placement related to a behavioral health issue, and after approval of the parties set forth above, the Veterans' Treatment Court Judge shall enter an order transferring the case to Veterans' Treatment Court and directing the Clerk to place the case or cases, including any traffic criminal cases involving the accepted defendant, on the Misdemeanor Veterans' Treatment Court docket.
4. Prior to the Veterans' Treatment Court Judge transferring the case to the Veterans' Treatment Court docket, the defendant must enter a written waiver of speedy trial.
5. The case shall be transferred back to the original criminal division if a defendant fails, for any reason, to successfully participate and complete the Veterans' Treatment Court program and the defendant's right to a speedy trial may be reinstated upon a written demand.
6. Defendants who are accepted for participation in the Veterans' Treatment Court, and who voluntarily agree to participate in the Veterans' Treatment Court, shall, at the discretion of the State Attorney, enter into a Deferred Prosecution Agreement, unless charged with a violation of county probation. Additionally the court will enter an Order transferring the defendant's case(s) into the Veterans' Treatment Court as a court event.
7. Defendants accepted into the Veterans' Treatment Court will attend court hearings as ordered by the court, based on each defendant's needs. After the defendant's acceptance into the Veterans' Treatment Court, the defendant will participate in continued assessment and treatment and engage in discharge planning. The defendant's participation will end upon the successful completion of the discharge plan. The charges will be then dismissed by the State Attorney or the violation of probation will be dismissed by the Veterans' Treatment Court judge.
8. The public is entitled to access to judicial records, however, patient treatment records are an exception to this rule and are deemed confidential by Florida law. In the event a treatment record or report is placed in the court file of a Veterans' Treatment Court participant, the court will determine whether such report is a confidential patient record, exempt under Florida law from public access, and if the court finds the record is exempt the court will seal the document and mark the envelope with the date, description, and author of the document, whereupon access to the document will be limited to those authorized under Section 395.3025 and 393.13, Florida Statutes, or by court order.

DONE AND ORDERED, this 18th day of May, 2012.

ALAN A. DICKEY
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CHIEF JUDGE

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