

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR MARION COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER M-2012-19**

**ADMINISTRATIVE ORDER IMPLEMENTING VETERANS'  
TREATMENT COURT  
DIVISION IN MARION COUNTY**

**WHEREAS**, the T. Patt Maney Veterans' Treatment Intervention Act was passed by the Florida Legislature as Section 16 of Chapter 2012-159 of the Laws of Florida and signed into law by Florida's Governor to take effect on July 1, 2012; and

**WHEREAS**, the Combat Veteran<sup>1</sup> Defendants are in need of services and treatment beyond the resources and services available to the county jail; and

**WHEREAS**, the public safety reduction of recidivism is paramount to the proper administration of justice; and

**WHEREAS**, a separate circuit/county criminal division is required to assist in the referral and oversight of certain eligible Combat Veteran Defendants for drug and mental illness treatment and support toward the goal of preventing crime; and

**WHEREAS**, Florida Statute, Section 394.47891 authorizes establishment of a Military Veterans and Service Members Court Program under which veterans and service members who are convicted of a criminal offense and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem can be sentenced in accordance with chapter 921 in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any Military Veterans and Service Members Court Program must be based upon the sentencing court's

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<sup>1</sup> For purposes of this Program a "veteran" is defined as a person who is serving in any branch of the United States Military including the Reserve and National Guard which definition includes the definition for "Servicemember" set forth in Section 250.01(19) of the Florida Statutes and any person who has served in any branch of the United States Military - including the Reserve and National Guard and regardless of discharge status - which definition is meant to be broader than the definition for "Veteran" set forth in Section 1.01(14) of the Florida Statutes.

assessment of the defendant's criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the State Attorney and the victim, if any, and the defendant's agreement to enter the program; and

**WHEREAS**, Chapter 948 Florida Statutes, establishes the provision of appropriate sentencing schemes for Combat Veteran Defendants who are accepted into this treatment Program; and

**WHEREAS**, it is necessary for the efficient administration of justice, it is therefore,

**IT IS HEREBY ORDERED** that:

1. An alternative court is hereby created in Marion County as a separate circuit and/or county criminal division, which shall be known as “Veterans’ Treatment Court.”

2. Veterans’ Treatment Court shall consist of eligible cases from the other Criminal Divisions for possible referral into drug abuse /mental illness treatment and support. The mission statement, eligibility criteria, treatment format and procedures for referral to Veterans’ Court shall be set out in the Policy and Procedures Manual, separate from this Order.

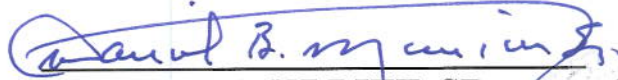
3. Defendants must enter the Veterans’ Treatment Court through one of the methods outline in and pursuant to the terms of the Policy and Procedures Manual approved by the Undersigned, separate from this Order.

4. A County or Circuit Judge presiding in Marion County shall be assigned to Veterans’ Treatment Court by separate order.

5. If a defendant’s participation in the Program is terminated for cause, the defendant shall be terminated from the Veterans’ Treatment Court Program and the Defendant’s case will revert to being an active criminal prosecution for sentencing on the regular docket of the Marion County/Circuit Court and the Veterans’ Treatment Court Judge may move *sua sponte* to be recused from further handling of the case.

6. All hearings conducted pursuant to this Administrative Order shall be recorded electronically or by a court reporter.

**DONE AND ORDERED** in Chambers in Brooksville, Hernando County, Florida, this 23rd day of July, 2012.



**DANIEL B. MERRITT, SR.**  
**Chief Judge**  
**Fifth Judicial Circuit**

