

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

ADMINISTRATIVE ORDER L-2016-55 AMENDED-A

**ADMINISTRATIVE ORDER IMPLEMENTING VETERANS' TREATMENT COURT
DIVISION IN LAKE COUNTY, VACATING ADMINISTRATIVE ORDER L-2016-55***

* Amended only as to Judge

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, certain military and service member veteran defendants ("veterans") are in need of services and treatment beyond the resources and services available in the county jail; and

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

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

WHEREAS, Florida Statute, Section 394.47891 authorizes the 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 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 veterans who are accepted into this treatment program; and

WHEREAS, it is necessary for the efficient administration of justice;

It is therefore, **ORDERED** that:

I. Administrative Order L-2016-55 is hereby vacated and set aside.

2. An alternative court is hereby created in Lake County as a separate circuit and county criminal division, which shall be known as "Veterans' Treatment Court."

3. 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 eligibility criteria, treatment format and procedures for referral to Veterans' Court shall be set out in a policy and procedures manual, separate from this Order.

4. Defendants must enter the Veterans' Treatment Court through one of the methods outlined in and pursuant to the terms of the policy and procedures manual approved by the undersigned, separate from this Order.


5. County Judge Brian J. Welke is hereby assigned to preside over the Lake County Veterans' Treatment Court. Other judges in Lake County may be assigned to temporarily preside over the Lake County Veterans' Court when necessary. Any county court judge temporarily presiding over the Lake County Veterans' Treatment Court is hereby appointed to act as a circuit judge of the Fifth Judicial Circuit. Any circuit judge presiding over the Lake County Veterans' Treatment Court is hereby appointed to act as a county judge of Lake County.

6. 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 Lake County Circuit Court or the Lake County Court and the Veterans' Treatment Court judge may move *sua sponte* to be recused from further handling of the case.

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

8. The bond of any defendant entering the Lake County Veterans' Treatment Court Program through the diversion method shall be discharged when that defendant is admitted into the Program.

DONE and **ORDERED** in chambers in Tavares, Lake County Florida, this 30 day of July 2018.



Lawrence J. Semento
Administrative Judge,
Fifth Judicial Circuit