

**IN THE COUNTY COURT
IN AND FOR SUMTER COUNTY, FLORIDA
ADMINISTRATIVE ORDER S-2016-38-A**

**AMENDED ADMINISTRATIVE ORDER ESTABLISHING A
MISDEMEANOR AND FELONY DRUG COURT PROGRAM
IN SUMTER COUNTY**

WHEREAS, Chapter 397.334, Florida Statutes, establishes within the State of Florida "treatment-based drug courts;" and

WHEREAS, Chapter 397.334, Florida Statutes, requires the approval of the Chief Judge to establish treatment based Drug Court Programs; and

WHEREAS, Chapter 397, Florida Statutes, in its entirety, establishes the provision of substance abuse services within the State of Florida; and,

WHEREAS, the procedures outlined herein are necessary for the efficient administration of justice. The mission statement, eligibility criteria, treatment format and procedures for referral to Drug Court shall be set out in the Policy and Procedures Manual, separate from this Order. Therefore,

IT IS HEREBY ORDERED that:


1. There is hereby created, in Sumter County, a treatment-based Drug Court Program, hereinafter referred to as "Drug Court."
2. Entry into Drug Court is voluntary.
3. An eligible defendant may seek to transfer his or her case to Drug Court by filing a written motion or by an *ore tenus* motion to any Judge in the criminal division. The Judge may *sua sponte* order the transfer of a case to the Drug Court.
4. The Judge assigned to preside over the Drug Court shall make the final determination of the defendant's eligibility for the voluntary entry in the Drug Court. The State Attorney shall advise the Court if the defendant is eligible to participate in the Drug Court.
5. If the State Attorney objects to a case being transferred to the Drug Court based upon allegations the defendant was dealing or selling the controlled

substance, which is the basis for the arrest, he or she shall advise the court. Thereafter, the Court shall conduct a pre admission hearing in accordance with 948.08 and 948.16 Florida Statutes.

6. If the objection is sustained, the defendant's case shall be transferred to the originally assigned criminal division Judge for further proceedings.
7. The Judge assigned to the Drug Court shall have the sole responsibility for preparing and entering a proper transfer order if the case is accepted into the Drug Court.
8. Any participant electing to voluntarily enter into Drug Court must:
 - (a) Sign an agreement setting forth all terms and conditions of participation;
 - (b) Sign a waiver of speedy trial; and
 - (c) Comply with all court orders.
9. If any participant is arrested for any new crime while in the Drug Court Program the case shall be transferred back to the originally assigned criminal division Judge for further proceedings.
10. At the six (6) month anniversary of entry into the Drug Court, the court shall conduct a status conference and determine if:
 - (a) the participant has successfully completed all terms and conditions of participation, court orders, and other terms or conditions placed upon the defendant; or
 - (b) the participant should continue the Drug Court Program for up to another six months; or
 - (c) the participant should be terminated from the Drug Court.
11. A participant may be terminated from the Drug Court Program if;
 - (a) There is an outstanding *capias*; or
 - (b) A participant has new criminal charge (s); or
 - (c) A participant poses a danger to public safety.

12. The Court shall dismiss the charges upon finding the defendant has successfully completed the Drug Court Program.
13. If a defendant's participation in the Program is terminated for cause, the defendant shall be terminated from the Drug Court Program and the defendant will be sentenced by the Drug Court Program Presiding Judge.
14. A Judge presiding in Sumter County shall be assigned to Drug Court by separate order. If that Judge is a County Court Judge that Judge shall have all the power, jurisdiction and authority of a Circuit Court Judge for purposes of Presiding over the Drug Court and sentencing of defendants who may be charged with a felony.
15. All hearings conducted pursuant to this Administrative Order shall be recorded electronically or by a court reporter.

DONE AND ORDERED in Chambers at Tavares, Lake County, Florida, this 25 day of August, 2016.



DON F. BRIGGS
CHIEF JUDGE
FIFTH CIRCUIT