

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. A 2013- 17

**IN RE: DRUG COURT--FELONY SUBSTANCE ABUSE PRE-TRIAL
TREATMENT INTERVENTION PROGRAM**

WHEREAS, the Florida Legislature has enacted Section 948.08(6)(a), Florida Statutes (2012), enabling the Chief Judge of the Fifth Judicial Circuit of Florida to approve a Pre-Trial Substance Abuse Education and Intervention Program; and

WHEREAS, the Department of Corrections is required to supervise pretrial intervention programs for persons charged with a crime as delineated in Florida Statutes 948.08(1); and

WHEREAS, the Circuit Courts of this Fifth Judicial Circuit already direct other cases to the Department of Corrections for pre-trial intervention supervision;

NOW, THEREFORE, It is hereby ordered and adjudged;

1. That the drug education and treatment program administered and supervised by Department of Corrections is approved as the Substance Abuse Pre-Trial Intervention Program for the Fifth Judicial Circuit, pursuant to Section 948.08(6)(a), Florida Statutes; and
2. That referrals to the program shall be submitted to the Department of Corrections in the same manner as currently submitted in Pre-Trial Intervention cases; and
3. That the attorney for the Defendant shall be responsible for preparing and presenting to the Court a waiver of speedy trial, a sworn criminal history affidavit and the diversion contract. The diversion contract shall be presented to the appropriate assistant state attorney for review at least five (5) days prior to the referral hearing; and
4. That the Department of Corrections shall screen the case focusing on the eligibility requirement of Section 948.08(6)(a), Florida Statutes, and shall report its findings to the court, the state, and defense; and

5. That defendants charged with the drug offenses who are eligible under 948.08(6)(a), Florida Statutes, but are also charged with accompanying non-drug related felony(ies) and/or misdemeanor offenses, must also meet the requirements of Section 948.08(2), Florida Statutes, including consent of the victim, the State Attorney, and the Judge, before entry into the Substance Abuse Pre-Trial Intervention Program; and

6. The State shall notify the court, in writing, prior to the date of referral if it is requesting a preadmission hearing as provided in Section 948.08(6)(a)(2), Florida Statutes; and

7. That the Department of Corrections shall notify the court, state, and defense of any violations of the conditions of the court order placing the defendant in substance abuse intervention. The notification shall also provide a recommendation as to whether or not the court should remove the defendant from the Intervention Program; and

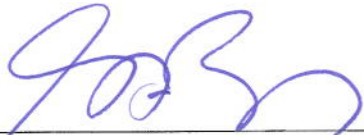
8. That the Department of Corrections shall immediately advise the court if for any reason they are unable to provide the services contemplated by this administrative order; and

9. That if, at any time, the State determines that the Department of Corrections does not meet the criteria or is not providing adequate services to satisfy the express conditions of 948.08 or this Administrative Order, they shall notify the Office of the Chief Judge within ten (10) days of discovering the defect; and

10. At the end of the pretrial intervention period, the court shall consider the recommendation of the Department of Corrections and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. If the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment or order that the charges revert to normal channels for prosecution.

11. The court shall dismiss the charges against the defendant upon a finding that the defendant has successfully completed all conditions of the pretrial intervention program including payment of restitution to the victim, if any.

DONE AND ORDERED in Tavares, Lake County, this 13
day of May 2013.



DON F. BRIGGS
CHIEF JUDGE
FIFTH JUDICIAL CIRCUIT