

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

ADMINISTRATIVE ORDER NO. A 2013- 20

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

WHEREAS, the Florida Legislature has enacted Section 948.16(1) *et seq.*, Florida Statutes (2012), enabling the Chief Judge of the Fifth Judicial Circuit of Florida to approve a Misdemeanor Pre-Trial Substance Abuse Education and Intervention Program; and

WHEREAS, each county within this Fifth Judicial Circuit has an entity that has contracted with an individual county within this Fifth Circuit to provide misdemeanor probation services; and

WHEREAS, Section 948.16 (4) provides that each county misdemeanor probation services provider (hereinafter "County Probation") is required to supervise pretrial intervention programs for persons charged with a crime as delineated in Florida Statutes 948.16 (1); and

WHEREAS, the proper implementation of a Pre-Trial Substance Abuse Education and Intervention Program authorized by Section 948.16(1), Florida Statutes, would provide a valuable alternative to prosecution in appropriate drug cases; and

WHEREAS, the County Courts of this Fifth Judicial Circuit already direct other cases to County Probation 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 each County Probation is approved as the Substance Abuse Pre-Trial Intervention Program for the Fifth Judicial Circuit, pursuant to Section 948.16(1) *et seq.*, Florida Statutes; and
2. That referrals to the program shall be submitted to County Probation in the same manner as currently submitted in misdemeanor 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 County Probation shall screen the case focusing on the eligibility requirement of Section 948.16(1), Florida Statutes, and shall report its findings to the court, the state, and defense; and

5. That defendants charged with the drug offenses or other eligible offenses as delineated in 948.16(1), Florida Statutes, but are also charged with accompanying non-drug related misdemeanor offenses, must also meet the requirements of Section 948.16(1), Florida Statutes, including the State Attorney and the Judge, before entry into the misdemeanor 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 948.16(1)(a), Florida Statutes; and

7. That County Probation 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 County Probation 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 County Probation does not meet the criteria or is not providing adequate services to satisfy the express conditions of 948.16 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 County Probation 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.

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



DON F. BRIGGS
CHIEF JUDGE
FIFTH JUDICIAL CIRCUIT