

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

**ADMINISTRATIVE ORDER NO. L2011 -24**

**ADMINISTRATIVE ORDER ESTABLISHING A FORENSIC COMMUNITY  
SERVICES TEAM (FCST)**

**WHEREAS**, the Fifth Judicial Circuit seeks to assist Lake County in implementing a multidisciplinary forensic community services team (FCST) whereby MISDEAMEANOR DEFENDANTS with mental health issues receive community mental health treatment, services and rehabilitation as part of their conditional release; and

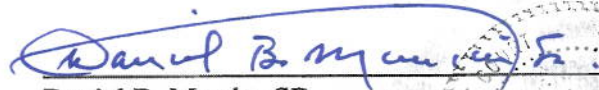
**NOW, THEREFORE**, I, Daniel B. Merritt, Sr., pursuant to the authority vested in me as Chief Judge of the Fifth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order the following:

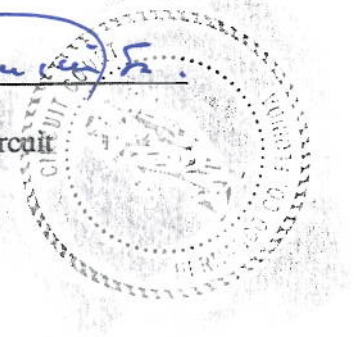
1. The purpose of the Forensic Community Services Team is to divert individuals with mental illnesses from the criminal justice system and into treatment, support, and recovery. The program provides an opportunity for persons with a history of repeat misdemeanors offenses to develop pro-social behaviors and prevent repeat incarceration.
2. Advantages of the defendant participating in the FCST program may include the dismissal of charges, deferment of sentencing, improved mental health and community integration. Determination and entry into program will be based on prior record, as well as eligibility for defendants on probation to participate in treatment to decrease recidivism rates.
3. Recommendations and acceptance into the FCST program shall require the approval and signatures on the contract from the defendant, public defender, state attorney, FCST representative, and the sitting Judge.
4. When the Judge has approved a case for transfer to the Forensic Community Services Team: the contracted partners shall receive monthly status reports from the FCST for the defendants court file.
5. A participant must be competent to give informed consent, have a mental health problem and/or a co-occurring (mental health and substance use disorder) with a repeat misdemeanor. The participant must be a resident of Lake County. Participating in FCST is strictly voluntary. As contemplated by 42 C.F.R. § 2.35, a participant must be voluntary and

truthfully provide information to aid the court at each step in the process. A participant must execute a program contract form with a waiver of confidentiality for mental health and co-occurring substance use treatment prior to final acceptance into the FCST. Limitation on information released will include the status report of compliance, and if or not the defendant is following the agreed contract.

6. In order to be eligible to for FCST, there must be a goal to stabilize mental health and/or co-occurring substance use. A qualified mental health counselor will determine diagnosis and eligibility at initial screening.
7. Once the defendant has voluntarily decided to enter into a contract with the FCST program, the defendant will be deemed to have accepted the requirements of the program. If the defendant does not follow the conditions agreed upon in the contract the FCST will submit a progress notice of non-adherence to the Judge.
8. All defendants in the program will receive FCST treatment at no-cost while in the program. The funds are secured for 3-years through the Department of Children and Families Criminal Justice Mental Health and Substance Abuse 2010 Reinvestment Implementation Grant. Urine screens are accommodated upon request of the court and fees may be levied.
9. Successful completion of the FCST Program will include advancement through a three phase process to move a defendant's pro-social behavior: (i) Stabilization; (ii) Treatment; and (iii) Maintenance. These three phases shall take 6-months pending on the individual progress. A status progress report will be reviewed at 90 and 180 days of entry into program.
10. This order shall take effect upon execution.

**DONE AND ORDERED** in Chambers at Brooksville, Hernando County, Florida, this 19<sup>th</sup> day of August 2011.

  
Daniel B. Merritt, SR.  
Chief Judge, Fifth Judicial Circuit



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

STATE OF FLORIDA

CASE NO. \_\_\_\_\_

VS

PRE-TRIAL FORENSIC COMMUNITY SERVICES CONTRACT

It being alleged that \_\_\_\_\_, Defendant, has committed the offense of \_\_\_\_\_, against the State of Florida on or about the \_\_\_\_ day of \_\_\_\_\_, 2011, and it further appearing that at this time, the interests of the State of Florida and the Defendant will best be served by the following procedures:

THEREFORE,

On the authority of BRAD KING, State Attorney in and for the Fifth Judicial Circuit, prosecution in this matter will be deferred for the period of \_\_\_\_\_ months from this date, provided the Defendant's progress will be reviewed at the end of 90 and 180 days of this date to determine if prosecution can be permanently deferred.

The Defendant agrees to refrain from violation of any law.

The Defendant agrees attend the FCST program and seek gainful employment or education.

The Defendant agrees to support any dependants.

The Defendant agrees to participate in and successfully complete the FCST program.

The Defendant agrees to immediately inform the forensic team offering supervision and mental health services of any changes in address, residence, or employment.

The Defendant agrees to be available for all services of the FCST program.

The Defendant agrees to answer truthfully all inquires by the FCST Pre-Trial Intervention Program and to allow visits in the home, employment, school or elsewhere and to carry out any instructions given.

The Defendant agrees to pay \$\_\_\_\_\_ for cost of prosecution.

The Defendant agrees to comply with the special conditions of:

1

2.

3.

4.

The Defendant agrees to pay restitution to the victim(s), \_\_\_\_\_

in the amount of \$ \_\_\_\_\_.

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STATE OF FLORIDA VS \_\_\_\_\_  
PRE-TRIAL FORENSIC COMMUNITY SERVICES CONTRACT  
CASE NO. \_\_\_\_\_

The Defendant agrees to pay cost of \$ \_\_\_\_\_. Cash bond to be used to cover Fines, Costs, and Public Defender Application Fee if assessed and release balance to depositor.

Any additional applicable fees and court cost \$ \_\_\_\_\_.  
The Defendant agrees to comply with the special conditions of the FCST Program to include advancement through a three phase process involving 6-months of stabilization, treatment, services, and rehabilitation. Progress will be reviewed at the end of the 90 and 180 days with reports sent to the county clerk, State Attorney, Public Defender, and County Probation, if applicable.

Participating in FCST is strictly voluntary. As contemplated by 42 C.F.R. § 2.35, a participant must be voluntary and truthfully provide information to aid the court at each step in the process. The Defendant must waive confidentiality for mental health and co-occurring substance use treatment "status reports" prior to final acceptance into the FCST. This review & status report will be sent to the parties entering into this contract.

The State Attorney may, during the period of deferred prosecution, revoke or modify the conditions of your deferred prosecution by prosecuting you for this offense if you violate any of these conditions.

If the Defendant adheres with these conditions during the period of deferred prosecution, no criminal prosecution concerning this charge will be instituted in this County.

By signing this deferred prosecution contract, the Defendant \_\_\_\_\_ agrees that this contract may be used against them in a court of law upon failure to complete or revocation from the program and withdraws and/or waives his or her right to a Speedy Trial for a period of \_\_\_\_\_ diversion under the Constitution and laws of Florida and the United States of America in the cause for which prosecution is being deferred. Further, the Defendant understands this contract and agrees to abide by the conditions in this contract. The defendant does further admit guilt to the underlying charge or charges.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Assistant State Attorney  
Florida Bar No. \_\_\_\_\_  
Lake County Judicial Center  
550 West Main Street - PO Box 7800, Tavares, FL, 32778  
(352) 742-4236

\_\_\_\_\_  
DEFENDANT'S ATTORNEY

DATE: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

DATE: \_\_\_\_\_

\_\_\_\_\_  
FCST PROGRAM REPRESENTATIVE

DATE: \_\_\_\_\_



**Mike Dwyer, M.A., LMHC, CAP**

*Program Manager*

*Adult Mental Health & Substance Abuse Intensive OP Services*

*Post Office Box 491000 • Leesburg, Florida 34749-1000*

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*"CARF Accredited"*