

ADMINISTRATIVE ORDER M-2010-14-B

**SECOND AMENDED ADMINISTRATIVE ORDER ESTABLISHING
THE FELONY POST-ADJUDICATORY DRUG COURT EXPANSION PROGRAM
IN MARION COUNTY**

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

WHEREAS, a separate circuit division is required to assist in the referral of certain eligible individuals for drug treatment and support toward the goal of preventing crime; and

WHEREAS, pursuant to the success of the Drug Court Program currently in effect in the Criminal Justice Division of the Fifth Circuit for eligible post-adjudicatory felony cases in Marion County; expansion of the Drug Court to include post-adjudicatory violation of probation case and eligible post-adjudicatory 3rd degree non-violent felony offenders under Chapter 810, Florida Statutes who would otherwise be incarcerated or any other felony offense that is not a forcible felony as defined in section 776.08, Florida Statutes will be eligible, including:

1. Offenders with sentencing scores of 20 to 60 points;
2. Offenders with sentencing scores of 20 to 60 points who have violated community control or probation due to a failed or suspect drug screen - if the underlying offense occurred on or after July 1, 2009.
3. Offenders with sentencing scores of 20 to 60 points who have violated community control or probation if the underlying offense occurred prior to July 1, 2009, section 948.06(2)(i)1.a. does not apply and the violation would not be limited to only those due to failed or suspect substance abuse test.

Expansion of these cases will provide a substantial benefit to the criminal justice system and community as a whole;

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

WHEREAS, the Marion County Drug Court provides licensed substance abuse education, prevention, intervention, and treatment services in the Fifth Judicial Circuit in accordance with Chapter 397, Florida Statutes; and,

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

ORDERED AND ADJUDGED that:

- 1) Drug Court is hereby established as a circuit criminal division, which shall be known as "Drug Court".
- 2) A circuit judge shall be assigned to Drug Court.
- 3) This Order shall be effective immediately upon approval and shall apply to all pending and future cases before the Circuit Court in and for Marion County.
- 4) Drug Court shall handle eligible cases from the other Circuit Criminal Division for possible referral to drug abuse treatment and support.
- 5) Effective October 1, 2013, Defendants participating in the Marion County Adult Post-Adjudicatory Drug Court Expansion Program shall be required to pay an application fee of \$35.00 unless waived or adjusted by the Circuit judge presiding over the drug court matters in Marion County and there will be a no refund policy for any funds paid by program participants if this program.
- 6) Effective November 2, 2015, Defendants participating in the Marion County Adult Post-Adjudicatory Drug Court Expansion Program shall be required to pay a fee of \$ 25.00 per month unless waived or adjusted by the Circuit judge presiding over the drug court matters in Marion County and there will be a no refund policy for any funds paid by program participants in this program.
- 7) The Clerk of the Court is authorized to accept any participation fees or funds collected for Marion County Expansion Drug Court #000001-34823025 in Marion County.
- 8) The Program is created and shall be maintained subject to the availability of adequate funding.
- 9) All hearings conducted pursuant to this administrative order shall be electronically recorded.
- 10) This Order shall rescind and replace Administrative Order M-2010-14-A titled, "Amended Administrative Order Establishing the Felony Post-Adjudicatory Drug Court Expansion Program in Marion County."

DONE AND ORDERED in Chambers, at Tavares, Lake County, Florida, this 22 day of October, 2015



Don F. Briggs
Chief Judge
Fifth Judicial Circuit