

**IN THE COUNTY COURT
IN AND FOR MARION COUNTY, FLORIDA
ADMINISTRATIVE ORDER M-2014-64**

**ADMINISTRATIVE ORDER ESTABLISHING A
MISDEMEANOR DRUG COURT PROGRAM
FOR MARION COUNTY**

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

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

IT IS HEREBY ORDERED that:

1. There is hereby created, in Marion County, a Misdemeanor treatment-based Drug Court Program, hereinafter referred to as "Misdemeanor Drug Court".
2. Entry into misdemeanor drug court is voluntary.
3. A defendant who was previously convicted of a felony is not eligible to enter the Misdemeanor Drug Court.
4. An eligible defendant may seek to transfer his or her case to Misdemeanor Drug Court by filing a written motion or by an *ore tenus* motion to any County Judge in the criminal division. The County Judge may *sua sponte* order the transfer of a case to the Misdemeanor Drug Court.
5. The County Judge assigned to the Misdemeanor Drug Court shall make the final determination of the defendant's eligibility for the voluntary entry in the Misdemeanor Drug Court. The State Attorney shall advise the Court if the defendant is eligible to participate in the Misdemeanor Drug Court.

6. If the State Attorney objects to a case being transferred to the Misdemeanor 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 948.16 Florida Statutes.
7. If the objection is sustained, the defendant's case shall be transferred to the originally assigned county criminal division County Judge for further proceedings.
8. The County Judge assigned to the Misdemeanor Drug Court shall have the sole responsibility for preparing and entering a proper transfer order if the case is accepted into the Misdemeanor Drug Court.
9. Any participant electing to voluntarily enter into Misdemeanor 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.
10. 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 county criminal division County Judge for further proceedings.
11. At the six (6) month anniversary of entry into the Misdemeanor 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 Misdemeanor Drug Court Program for up to another six months; or
 - (c) the participant should be terminated from the Misdemeanor Drug Court.

12. A participant may be terminated from the Misdemeanor Drug Court Program if;

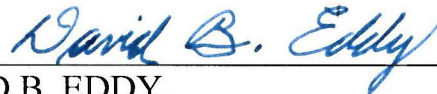
(a) There is an outstanding *capias*; or

(b) A participant has new criminal charge (s); or

(c) A participant poses a danger to public safety.

13. The Court shall dismiss the charges upon finding the defendant has successfully completed the Misdemeanor Drug Court Program.

DONE AND ORDERED in Chambers at Ocala, Marion County, Florida, this 3rd day of December, 2014.



DAVID B. EDDY,
ADMINISTRATIVE JUDGE
MARION COUNTY