

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

ADMINISTRATIVE ORDER H-2018-24

**ADMINISTRATIVE ORDER
REGARDING THE DRUG COURT
DIVISION IN HERNANDO COUNTY AND
RESCINDING ADMINISTRATIVE ORDER H-2010-45**

WHEREAS, the Fifth Judicial Circuit seeks to assist Hernando County (the "County") in implementing a comprehensive anti-drug and anti-alcohol abuse program focusing upon individuals arrested for non-violent misdemeanor and felony offenses.

WHEREAS, it is in the best interest of the community that individuals receive drug and alcohol treatment and support services;

WHEREAS, a specialized court program that includes a separate criminal division with misdemeanor and felony cases is required to assist in the referral of eligible individuals for drug and alcohol treatment.

WHEREAS, it is necessary for the efficient administration of justice; and

WHEREAS, Drug Court Programs are authorized by Florida Statute Section 397.334, a treatment based Drug Court Program, Florida Statute Section 948.16(1), Misdemeanor pretrial substance abuse education and treatment intervention program (pretrial treatment-based drug court program), and 948.20(1), post-adjudicatory treatment-based drug court program, it is therefore **ORDERED** that:

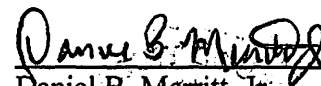
1. A Problem-Solving Court is hereby created in Hernando County as a separate criminal division including misdemeanor and felony cases, which shall be known as "Drug Court."
2. Drug Court shall consist of eligible cases from the other Criminal Divisions for possible referral to drug and/or alcohol abuse treatment and support. The mission statement, eligibility criteria, treatment format and procedure for referral to Drug Court shall be set out in a document separate from this Order.
3. Circuit Judge Donald E. Scaglione is hereby assigned to preside over the Hernando County Drug Court. Other judges in Hernando County may be assigned to temporarily preside over the Hernando County Drug Court when necessary. Any county court judge temporarily presiding over the Hernando County Drug Court is hereby appointed to act as a circuit judge of the Fifth Judicial Circuit. Any circuit judge presiding over the Hernando County Drug Court is hereby appointed to act as a county judge of Hernando County.

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4. All defendants participating in the Hernando County Drug Court Program shall be required to pay an initial fee of \$250.00 and \$25.00 per week (or any part thereof) through the duration of the program as directed by the Court Operations Manager. An additional sanction fee of \$25.00 is charged for each positive or abnormal drug screen as directed by the Court Operations Manager, unless waived or adjusted by the Judge presiding over the Drug Court program. No other individual is authorized to waive any portion of the fees assessed herein.
5. There is a no refund policy for any funds paid by program participants of this Program regardless of the individual's success or termination from the Program.
6. If a defendant's participation in the Program is terminated for cause, the defendant shall be terminated from the Drug Court Program and sentenced accordingly by the Drug Court Judge. Further, the balance of any assessed but unpaid fees Drug Court fees will become a lien of record.
7. The Clerk of the Court is authorized to accept any participation fees collected pursuant to this Administrative Order, these funds shall be remitted as follows: 1242 Fund, 3489902 revenue account and 3489901 revenue account.
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 recorded electronically or by a court reporter.
10. This Order shall be effective immediately upon approval and shall apply to all pending and future cases before the Court in and for Hernando County.

IT IS FURTHER ORDERED that Administrative Order H-2010-45 is hereby **RESCINDED**.

DONE AND ORDERED in Chambers in ~~Ocala, Marion~~ County, Florida this day 19th of July 2018.
Brooksville, Hernando



Daniel B. Merritt, Jr.
Hernando County
Administrative Judge
Fifth Judicial Circuit