

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

ADMINISTRATIVE ORDER: H-2019-29

**ORDER REGARDING THE ESTABLISHMENT OF A FELONY POST-
ADJUDICATORY DRUG COURT EXPANSION PROGRAM IN AND
FOR HERNANDO COUNTY**

WHEREAS, it is in the best interest of the community that individuals charged with criminal offenses resulting from addiction related issues combined with other considerations and circumstances (yet still maintaining personal accountability when appropriate) receive the opportunity for drug and alcohol treatment and support services;

WHEREAS, a specialized court docket is beneficial to provide referral of eligible individuals for drug and alcohol treatment and to manage those individuals' criminal cases; and

WHEREAS, Chapter 397.334(3)(A), Florida Statutes, authorizes the post adjudicatory treatment-based drug court program; and,

WHEREAS, the Hernando Drug Court Program, pursuant to Florida Statute sections 948.01(7)(a) and 948.20(1), currently includes the following eligible post-adjudicatory felony cases in Hernando County: violation of probation cases, 3rd degree non-violent felony offenders who would otherwise be incarcerated under Chapter 810 of the Florida Statutes, and/or any other felony offense that is not a forcible felony as defined in section 776.08,

WHEREAS, Hernando County was awarded a federal grant to expand the services of the Hernando County Drug Court; and

WHEREAS, the Fifth Judicial Circuit seeks to assist Hernando County (the "County") in implementing the expanded services available due to the grant award and create a comprehensive anti-drug and anti-alcohol abuse program for prison bound individuals charged with non-violent felony offenses; and

WHEREAS, the Drug Court Expansion Program will provide a substantial benefit to the criminal justice system and community as a whole and should include the following case types where offenders are accepted into the program, and:

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- i. Have sentencing scores of 35 to 60 points;
- ii. Have sentencing scores of 35 to 60 points and have violated community control or probation and the underlying offense occurred after July 1, 2009, that are accepted into the program on or after May 31st, 2019.


WHEREAS, it is necessary for the efficient administration of justice, it is therefore, **ORDERED** and **ADJUDGED** as follows:

- 1) A Drug Court is hereby established as a circuit criminal division, which shall be known as “Hernando County Drug Court Expansion.”
- 2) A Circuit Judge shall be assigned to the Hernando County Drug Court Expansion program.
- 3) This Order shall be effective immediately.
- 4) Drug Court Expansion shall receive eligible cases sent from the other Circuit Criminal Division for possible referral to a substance abuse treatment program. Eligible cases are as those where offenders are accepted into the program, after May 31, 2019, and:
 - i. Have sentencing scores of 35 to 60 points; or
 - ii. Have sentencing scores of 35 to 60 points and have violated community control or probation and the underlying offense occurred after to July 1, 2009.
- 5) Effective **May 31, 2019**, Defendants in the Hernando County Drug Court Expansion Program shall be required to pay an initial fee of two hundred fifty dollars (\$250.00), unless waived or adjusted by the Circuit judge presiding over the drug court matters in Hernando County.
- 6) Effective **May 31, 2019**, Defendants participating in the Hernando County Drug Court Expansion Program shall be required to pay a twenty-five dollars (\$25.00) per month fee, for the duration of the program, unless waived or adjusted by the Circuit Judge presiding over the Drug Court Expansion Program in Hernando County.
- 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, Department 38206, and 3318206 revenue account.

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- 8) An additional sanction fee of twenty-five dollars (\$25.00) shall be charged for each confirmed positive or abnormal drug screen, as directed by the Court Operations Manager, unless waived or adjusted by the Judge presiding over the Drug Court Expansion Program. No other individual is authorized to waive any portion of the fees assessed herein.
- 9) 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.
- 10) The Program is created and shall be maintained subject to the availability of adequate funding.
- 11) All hearings conducted pursuant to this Administrative Order shall be electronically recorded.

DONE AND ORDERED in Chambers, Brooksville, Florida this 25th day of
June, 2019.



Daniel B. Merritt, Jr.
Hernando County Administrative Judge