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IN THE SECOND JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO.: 2007-06

IN RE: **LEON COUNTY MISDEMEANOR DRUG COURT PILOT PROGRAM**

WHEREAS, a Misdemeanor Drug Court Pilot Program has been initiated in Leon County, and at this time is limited to 25 eligible indigent defendant and other qualified defendants who can pay for the required treatment and testing; and

WHEREAS, the Leon County Probation Office has agreed to assume the supervision and case management of current participants, as well as future participants, effective September 1, 2007;

WHEREAS, the proposed Leon County Misdemeanor Drug Court will be a joint effort of the Office of Court Administration, Office of the State Attorney, Public Defender's Office, Leon County Probation Pre-Trial Release Program, Leon County Probation Department, Clerk of Court, and the provider of substance abuse treatment; and

WHEREAS, clearly articulated and agreed upon policies with regard to the implementation and operation of the Leon County Misdemeanor Drug Court are required;

IT IS THEREFORE,

ORDERED that:

1. Effective September 1, 2007, supervision of all participants in the Misdemeanor Drug Court shall be the responsibility of the Leon County Probation Department.

2. Defendants whose offenses occurred on or after September 1, 2007, shall be eligible to participate in such program if they are charged with a drug or paraphernalia possession offense under Chapter 893 in accordance with the criteria of Section 948.16, Florida Statutes and there are openings available in the program. The State Attorney shall have the discretion to admit any other misdemeanor defendant to the Misdemeanor Drug Court program if resources are available.

3. Those defendants deemed appropriate for participation in the program will appear before the Misdemeanor Drug Court judge for program orientation at the next scheduled Drug Court date to determine the appropriateness of admission into the program.

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4. All participants must be Leon County residents whose alleged offense occurred in Leon County. This program will not accept transfers from other counties.

5. A participant fee shall be charged to each defendant in the program. Participants who are found to be indigent after submitting a financial affidavit and income statement to the court shall pay $50 a month; all others shall pay $250 a month. The Clerk of the Court shall collect all participation fees for deposit in a fund for the operation of the Leon County Misdemeanor Drug Court, provide receipts for such fees, and report any delinquent fee collections to the court.

6. Participation in the Misdemeanor Drug Court shall be on a voluntary basis. Eligible defendants electing not to enroll in the program will have their cases transferred to the regular misdemeanor division.

7. Participation in the Misdemeanor Drug Court will be for a minimum period of 6 months and a maximum period of 12 months, unless otherwise ordered by the court. Defendant will receive credit from the day treatment begins, even if that date precedes arraignment.

8. If at any time a participant tests positive for any controlled substance, he or she will be subject to court sanctions, including termination from the program. Participants must remain drug and alcohol-free for the last 3 months of the participation in the program.

9. The monthly cost of supervision fee for the Leon County Probation Department will be waived in every case unless a specific order with respect thereto is entered in such case.

10. The Court shall dismiss the charges if a statutorily-eligible defendant successfully completes the Misdemeanor Drug Court program. Other defendants participating in the program at the discretion of the State Attorney shall have their cases dismissed or adjudication withheld, as agreed by the parties before admission.

DONE AND ORDERED in Chambers, at Tallahassee, Leon County, Florida, this 5th day of November, 2007.

CHARLES A. FRANCIS
CHIEF JUDGE

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