

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: ESTABLISHMENT OF DRUG COURTS

ADMINISTRATIVE ORDER

NO. 3.15

- AMENDED -

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Pursuant to Article V, Section 7 of the Florida Constitution and Florida Statute sections 39.001, 39.521, 397.334, 948.01, 948.08, 948.16, and 985.345, the Chief Judge authorizes the establishment and continued maintenance of specialty Drug Courts in any county or counties within the Twentieth Judicial Circuit. Drug Courts shall be within the division of the Criminal Court (felony or misdemeanor), or in some instances within the division of the Family Court (dependency/delinquency), as may be appropriate.

In recognition of the distinct features and resources of the five individual counties of the Twentieth Judicial Circuit, Drug Courts are authorized, though not mandated, and the establishment and continued maintenance of Drug Courts is subject to policies and procedures as may be applicable to individual counties and divisions, and is subject to any Drug Court Program Manuals. Any such policies, procedures, and Drug Court Program Manuals, and the actual establishment and continued maintenance of Drug Courts within any county or division, is subject to the approval of the Chief Judge and/or the Chief Judge's designee.

As established, Drug Courts will preside exclusively over appropriate cases involving arrested persons, either adult or juvenile, or parties in dependency cases, who have substance abuse or addiction problems. Referrals to Drug Courts will be considered on the basis of the facts and circumstances unique to the individual and to that individual's case or cases. All defendants/parties identified for referral to Drug Courts must meet all requirements for participation set forth under applicable Florida Statutes, as well as requirements of any other controlling Drug Court orders and program manuals.

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Entry by a qualified defendant/party into a Drug Court program shall be on a voluntary basis. However, once a qualified defendant/party has voluntarily agreed to participate in Drug Court, the defendant/party will be deemed to have accepted the requirements of the program and to have agreed that the Drug Court judge may order (or, if permitted by law, the quasi-judicial officer may recommend) coercive sanctions, which may include (as may be applicable and authorized by law) incarceration, community service, and other coercive measures intended to motivate the defendant/party to overcome substance abuse or addiction.

Upon successful participation and completion of a Drug Court program, a defendant/party may, in certain cases, be permitted to withdraw his or her plea, and the State Attorney's Office may reduce or dismiss the charge or charges.

This Administrative Order supersedes any prior administrative orders relating to the establishment or maintenance of Drug Courts within the Twentieth Judicial Circuit.

To the extent that any provision of this Administrative Order may be construed as being in conflict with any law, statute, or rule, the law, statute, or rule shall prevail.

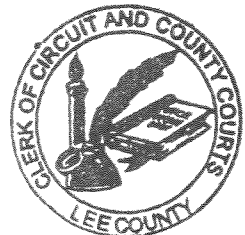
DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 5th day of April, 2016.

STATE OF FLORIDA, COUNTY OF LEE
FILED FOR RECORD
4 Day of April 2016 Recorded in Circuit
Page 29-30 and Record Verified.
LINDA DOGGETT By [Signature]
Circuit Court Deputy Clerk

[Signature]
Michael T. McHugh
Chief Judge

History. – Administrative Order 3.15 (March 27, 2001); Administrative Order 3.15 (November 29, 2006); Administrative Order 3.15 (September 11, 2007).

I certify this document to be a true and correct copy of the record on file in my office,
Linda Doggett, Clerk Circuit/
County Court, Lee County, FL
Dated: 4/7/16
By [Signature]
Deputy Clerk



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