

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

ORDER APPROVING DOMESTIC VIOLENCE
DIVERSION PROGRAM FOR COLLIER COUNTY AND
ORDER AUTHORIZING CLERK TO COLLECT
AND MAINTAIN PROGRAM FEES

The County having been fully advised and informed of the State Attorney's Office Domestic Violence Diversion Program, the Court hereby approves this Program and allows the State Attorney to enter into deferred prosecution agreements at the State Attorney's discretion and under such terms and conditions as are provided in the attached sample agreement.

It is hereby ordered that the Clerk of the Court in and for Collier County is authorized to collect a diversion fee in the amount of Thirty Five Dollars (\$35.00) and maintain it in a fund for use by the State Attorney. It is further ordered that each qualified participant in the Domestic Violence Diversion Program shall, subject to the limitations set forth below, pay to the Clerk of the Court the diversion fee upon entering into the diversion agreement.

A service charge for the Clerk of the Circuit Court for handling each payment or installment payment is hereby established in the amount of Three Dollars (\$3.00) per payment. Upon receipt of payment or any installment payments for the Domestic Violence Diversion Program, the Clerk shall, after deducting the service charge of \$3.00, deposit said payments into the Clerk's Domestic Violence Diversion Account and shall thereafter credit the account of each Defendant with each payment so received.

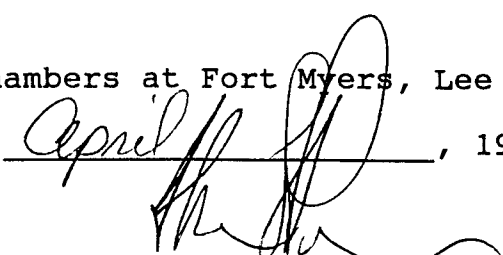
The Clerk shall dispense all accumulated payments at the end of each calendar month to the State Attorney's Office. Monthly disbursements to the State Attorney by the Clerk shall be made not later than the tenth day of each month.

No Respondent in a domestic violence case shall be precluded from participating in the Domestic Violence Diversion Program because of indigency or a current inability to pay.

In the event a Respondent demonstrates indigency or a current inability to pay the diversionary program fee, the Respondent may be ordered to reimburse the Clerk of Court at a later date for any outstanding fees based upon Chapter 741, as well as any pre-existing fees, fines or costs accrued prior to entering into the Diversion Program. Reimbursement of any outstanding fees, fines or other costs may be made a special condition of any deferred prosecution agreement, depending upon the circumstances presented by each case.

This Order supersedes all prior orders regarding the Domestic Violence Diversion Program and the authority of the Clerk to collect and maintain the State Attorney's Diversion Program fee.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 4 day of April, 1995.



Thomas S. Reese
Chief Judge

STATE ATTORNEY'S OFFICE
DOMESTIC VIOLENCE PROGRAM

DEFERRED PROSECUTION AGREEMENT

STATE OF FLORIDA

VS

CASE NO. <CASE NO.>

<NAME>

The State of Florida, by and through the undersigned Assistant State Attorney, and the defendant in this cause hereby agree that the interests of both parties will best be served by entering into this pre-trial intervention deferred prosecution agreement.

The defendant understands that he/she is waiving any rights to a speedy trial under the constitution and laws of the State of Florida and the United States of America and further understand that no criminal charges will be filed if all conditions and terms of this agreement are met.

The State Attorney's Office, in and for the Twentieth Judicial Circuit, Lee County, Florida agrees that prosecution in this cause will be deferred for a period of nine months from this date, provided the undersigned defendant meets the following conditions:

1. The defendant will refrain from any violation of the law. Any subsequent incidents or arrests may result in a capias being issued for the defendant's arrest. The defendant may be held without bond pending arraignment.
2. The defendant will successfully complete the 26 session BAN Program. This includes complying with the BAN attendance policy and program rules.
3. The defendant will not change his/her residence or employment or leave the State of Florida without first obtaining the consent of the pre-trial intervention coordinator.
4. The defendant will pay all costs of the BAN program as described in the BAN service contract.
5. The defendant will pay the State Attorney diversion fee of \$35.00 to the Clerk of the Court for Lee County.

6. Special Conditions:

- (a) _____
- (b) _____
- (c) _____

Should the defendant not comply with any of these conditions the State Attorney's Office may void this agreement and Prosecute for the offense in this cause. Further, the State Attorney's Office may void this agreement if it is determined the defendant has as a prior adult criminal record or criminal charges being prosecuted in another jurisdiction.

By entering into this agreement the defendant understands and agrees that successful completion of this program is a condition of his/her release from custody. Should the defendant violate any terms of this agreement a capias may be issued for his/her arrest.

If the defendant satisfactorily meets all of the conditions of this agreement the State Attorney's Office will not pursue a criminal prosecution regarding this cause.

Assistant State Attorney

Date

The undersigned acknowledges that the above has been read by him/her with full understanding or in the alternative has been read to him/her and explained. Also, the undersigned agrees to all of the conditions as set forth in this Agreement and will comply with them. Further, the undersigned acknowledges receipt of the BAN program rules, policies and procedures and understands them.

Defendant

Date

Pre-trial Coordinator

Date