

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2016-35-UFC

ADMINISTRATIVE ORDER AS TO  
JUVENILE DRUG COURT PROGRAM

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(a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall “develop an administrative plan for the efficient and proper administration of all courts within that circuit.”

(b) Section 985.345(1), Florida Statutes, authorizes the establishment of a juvenile drug court program to include programs as authorized by section 985.345, Florida Statutes, and section 397.334, Florida Statutes.

(c) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:

(1) A juvenile drug court program is established as authorized by sections 985.345 and 397.334, Florida Statutes.

(2) Cases eligible for transfer to the juvenile drug court are juveniles charged or for which a petition was filed by the State Attorney:

(a) for the offenses set forth at section 985.345, Florida Statutes.

(b) for any misdemeanor or non-violent second or third degree felony offense or offenses when the juvenile is not on probation and there is evidence of substance abuse.

(c) the juvenile is placed in Drug Court as a condition of probation. The juvenile will be under the supervision of the Drug Court judge while on probation who shall issue any warrant for violation of probation and dispose of any violations of probation.

(3) The criteria for participation in the juvenile drug court program are:

(a) The juvenile and at least one parent or legal guardian of the juvenile must reside in Broward County.

(b) The juvenile must be at least 14 years old at the time of acceptance into the juvenile drug court program. Some exceptions may apply for extenuating circumstances.

(c) The juvenile must be able to successfully complete the juvenile drug court program prior to turning 19 years old.

(d) The juvenile must be physically and mentally able to understand the juvenile drug court requirements and comply with the requirements of participation.

(4) Entry into a delinquency pretrial substance abuse and education treatment intervention program or other treatment program in juvenile drug court is voluntary after being provided and signing a written coordinated strategy as required by section 985.345(2), Florida Statutes. The written coordinated strategy is the agreement setting forth the terms and conditions of participation in juvenile drug court. The written coordinated strategy must at a minimum be signed by the juvenile and at least one parent or legal guardian of the juvenile.

(5) Upon entry into juvenile drug court the case will be transferred from the assigned juvenile division to the juvenile drug court division and set on the next available docket.

(6) The State Attorney may object to a case being transferred to juvenile drug court and request a preadmission hearing upon a belief the minor was dealing or selling controlled substances. The court, after a hearing, shall determine if the preponderance of the evidence excludes transfer of the case to juvenile drug court.

(7) A juvenile is excluded from juvenile drug court if:

- (a) he or she has a prior record of violent felony or sexual felony offenses; or
- (b) the pending charges may result in direct filed charges as an adult; or
- (c) he or she has a prior felony adjudication not charged under Chapter 893 of the Florida Statutes.

(8) A juvenile may be terminated, after hearing, from juvenile drug court if:

- (a) he or she is arrested for an additional offense; or
- (b) he or she is not able to complete the juvenile delinquency pretrial substance abuse education and treatment intervention program or treatment program; or
- (c) he or she is unable to obtain ninety (90) days of continuous abstinence prior to completion of the juvenile delinquency pretrial substance abuse education and treatment intervention program or other treatment program; or
- (d) his or her current offense is likely to merit commitment; or
- (e) he or she poses a threat to public safety; or
- (f) he or she has an outstanding pick up order in excess of thirty (30) days.

(9) The minimum time of participation for a misdemeanor offense is six (6) months. The minimum time of participation for a felony offense is nine (9) months. If a juvenile successfully completes the drug court program his or her case may be dismissed as authorized by section 985.345, Florida Statutes.

(10) The time limitations may be extended if there are extenuating circumstances as decided by the Court.

(11) If the juvenile does not successfully comply with the written coordinated strategy, the court may order continuation in an education, treatment, or urine monitoring program.

(12) “Any child whose charges are dismissed after successful completion of the treatment-based drug court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under [section] 943.0585[, Florida Statutes].”

(13) Upon a juvenile’s termination from juvenile drug court his or her case will be transferred to the originally assigned juvenile division.

(14) This Administrative Order vacates and supersedes Administrative Order 2009-116-UFC.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on  
June 27, 2016.

/s/ Peter M. Weinstein  
Peter M. Weinstein, Chief Judge