

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

*Administrative Order No. 2021-46-Crim*

**ESTABLISHING A  
COMMUNITY COURT IN THE SEVENTEENTH JUDICIAL CIRCUIT**

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- (a) Pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.
- (b) Florida Rule of General Practice and Judicial Administration 2.215(b)(2) states that the chief judge is the “administrative officer of the courts within the circuit and shall, consistent with branch-wide policies, direct the formation and implementation of policies and priorities for the operation of all courts and officers within the circuit.”
- (c) Florida Rule of General Practice and Judicial Administration 2.215(b)(3) states that the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (d) Florida Statute section 948.081 authorizes judicial circuits to establish community court programs.
- (e) Community court within the Seventeenth Judicial Circuit addresses the needs of at-large, homeless, or persons at-risk of homelessness who are low-level first time and repeat misdemeanants and municipal ordinance offenders. The focus of community court is to address root causes of each defendant’s behavior and to apply a therapeutic and community service based component to punishment.

**SPECIFIC FINDINGS AND GOALS OF COMMUNITY COURT**

- (1) **Active cooperation.** Problem-solving courts require the active cooperation of criminal justice and community partners and corresponding resources to respond to crime and safety issues, hold individuals accountable for their conduct, address defendants’ needs and the underlying causes of their criminal behavior, improve the quality of life in communities, and administer justice. Each participant of the

community court will be required to take an active role to effect the mission of problem-solving courts.

(2) **Combine punishment with help.** Permanently altering the behavior of chronic offenders, social service providers and corresponding programs are integral to crime control. Encouraging offenders to take control of and overcome their problems honors a community's ethical obligation to individuals who fail to abide by its laws because they have lost control of their lives.

(3) **Give the community a voice in shaping restorative sanctions.** Successful and effective community courts open a dialogue with neighbors and community leaders by seeking their input in developing appropriate community service projects. Broward County and its various municipalities currently offer many services necessary for a successful community court.

(4) **Recognize that communities are victims.** Quality-of-life crimes damage communities. If left unaddressed, low-level offenses erode communal order, leading to disinvestment, neighborhood decay, and an atmosphere in which serious crime will inevitably flourish. A community court acknowledges this reality and seeks to prevent such communal erosion.

(5) **Use punishment to pay back the community.** Standard sentences for misdemeanor and violations of municipal ordinances that involve incarceration, monetary fines, and probation may punish offenders, but due to some offenders' underlying issues, such penalties do little to correct the behavior of the offender or improve the quality of life for the offender and local community.

(6) **Open social services at the court to residents.** Residents of the community can reap benefits from educational, job training, and counseling programs provided by a community court, and the court, by opening its doors to community-based treatment and services, is a resource for a wide range of needs to benefit local communities.

**ACCORDINGLY**, consistent with these findings and goals, and in accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215 it is hereby **ORDERED**:

## **I. GENERAL PROVISIONS**

- (1) There is created in the Seventeenth Judicial Circuit a specialized division within the criminal division of the county court to be known as Community Court.
- (2) The Community Court is established to:
  - a. Provide a non-adversarial approach to handling certain misdemeanor offenses and municipal ordinance violations.
  - b. Promote cooperative agreements among Broward County municipalities and the Seventeenth Judicial Circuit stakeholders, including the Clerk of Court, State Attorney's Office, Office of the Public Defender, and Broward Sheriff's Office, with various governmental and private for-profit and not-for-profit service and treatment providers.
  - c. Increase offender accountability and reduce recidivism rates of repeat offenders by providing alternative sanctions from incarceration for certain offenses, including community service, admission to and compliance with treatment plans, such as mental health and/or substance abuse treatment, and other community-based initiatives, thus reducing overall criminal justice and incarceration costs.
  - d. Increase and ensure the public trust and confidence in the criminal justice and judicial systems by streamlining case processing in a personalized manner to address the needs of each offender.
  - e. Enhance the quality of life for all residents of Broward County.
  - f. Address specific needs of each eligible offender by linking such individuals to appropriate treatment and social services.
- (3) The first Community Court in the Seventeenth Judicial Circuit will be located in the City of Fort Lauderdale ("City") at a facility designated and provided by the City. Additional Community Court locations may be established in other Broward County municipalities where a need for such program and corresponding services is established. The Community Court will conduct proceedings as determined by the Chief Judge in consultation with each municipality where a community court may

be established. The Chief Judge will designate judicial officers who shall preside over Community Court proceedings.

(4) The Clerk of Court shall prepare Community Court dockets and provide an in-court clerk to be present during all Community Court proceedings.

(5) The Broward Sheriff's Office and each municipality where a community court may be established will work in coordination with the Chief Judge to provide security during all sessions of Community Court.

(6) Each municipality where a community court is established shall provide a suitable facility for the court sessions to be held.

(7) Each municipality where a community court is established will provide a City Attorney prosecutor to address violations of the City's municipal ordinances and will have an attorney or attorneys available for appointment to represent indigent defendants who are eligible for, and who have elected to participate in, Community Court.

(8) The State Attorney will provide an attorney or attorneys during Community Court proceedings to address violations of state law.

(9) The Public Defender will provide an attorney or attorneys during Community Court proceedings who will represent indigent individuals who are charged with violating state law and who are eligible for, and who have elected to participate in, Community Court.

(10) Broward County and each municipality where a community court is established shall work cooperatively to provide on-site social services to assist Community Court participants, including drug and alcohol and behavioral and mental health treatment providers, entities responsible for providing governmental assistance, including identification cards and driver's license opportunities, and any other agreed-upon social services.

## **II. ELIGIBLE OFFENSES AND PARTICIPATION IN COMMUNITY COURT**

(1) To be eligible for participation in Community Court, an individual must:

- a. Have been charged, by the law enforcement agency with jurisdiction over the municipality where the court is to be held, with a non-violent misdemeanor or violation of a municipal ordinance, including those offenses set forth in Section II(2) of this Administrative Order;
- b. Reside in the municipality where a community court is established;
- c. Have a non-violent criminal history and not be considered a “violent offender” as defined in 34 U.S.C. § 10613, unless, at the discretion of the presiding judge, such criminal history is determined to be remote in time;
- d. Volunteer to participate in Community Court; and
- e. Be in need of or seeking assistance with obtaining benefits and/or services to assist with day-to-day living.

(2) The assigned division judge or Community Court judge, as appropriate, may deny, in his or her discretion, an eligible person’s admission to the program.

(3) The following municipal ordinance and state law violations may be addressed through Community Court:

**a. Municipal Ordinance Violations.**

- i. Trespass
- ii. Disorderly Conduct / Disturbing the Peace
- iii. Public Intoxication / Open Container Violation
- iv. Sleeping on the Beach or in Public Places
- v. Public Indecency
- vi. Health Safety Violations
- vii. Vandalism/ Littering
- viii. Obstructing Traffic
- ix. Panhandling

**b. State Law Violations.**

- i. Misdemeanor drug possession (20 grams or less), § 893.13, Fla. Stat.
- ii. Resisting Arrest Without Violence, § 843.02, Fla. Stat.
- iii. Simple Assault, § 784.011, Fla. Stat.
- iv. Petit Theft, § 812.014, Fla. Stat.
- v. Loitering and Prowling, § 856.021, Fla. Stat.
- vi. Defrauding an Innkeeper, § 509.151, Fla. Stat.

c. Any other offense or offenses designated by the Chief Judge.

(4) The State Attorney's Office, or the municipal prosecutor, has the right to decline referral at its discretion, as some of the enumerated offense above may involve a victim, may be related to other criminal charges, or for other reasons involving the seriousness of the underlying facts of the offense. Under no circumstances may a Driving Under the Influence (DUI) case be referred to Community Court.

(5) An individual satisfying the eligibility requirements may be referred to Community Court by:

- a. A Notice to Appear issued by a law enforcement officer for an offense committed in a municipality where a community court has been established.
- b. A Broward County Court Judge so long as the offense charged is one of the enumerated offenses above and it is alleged that said offense occurred in a municipality where a community court has been established, and the defendant otherwise meets the requirements of paragraph of II(1).
- c. A social service agency or law enforcement officer for a resident of a municipality where a community court has been established who is not charged with an offense but who is in need of and willing to participate in a program or service provided by the Community Court.

(6) Case Managers provided by each municipality where a community court is established and/or Broward County and/or other local services providers to the Community Court will staff the Community Court and provide software to monitor cases in order to ensure the offender completes a program or community service, and fulfills any penalty or case management plan imposed by the Court.

(7) The Court will monitor individual cases assigned to Community Court.

### **III. ADVISORY COMMITTEE**

(1) The Seventeenth Judicial Circuit Community Court Advisory Committee is hereby created and shall be comprised of the following:

- a. Chief Judge or Community Court Judge designated by the Chief Judge, who shall act as chair
- b. State Attorney or designee

- c. Public Defender or designee
- d. Community Court Resource Coordinator
- e. City Prosecutors and City Public Defenders
- f. Community-based treatment providers
- g. A representative from the Office of the Mayor, City Manager, or Town Manager, as appropriate per the charter of the municipality where a community court has been established

(2) Each community court session shall be attended by all members of the Advisory Committee, as appropriate. The Advisory Committee shall review each case and may make recommendations to the judge, including appropriate sanctions and treatment solutions for the defendant. In all instances, the judge shall make the final decision concerning sanctions and treatment with respect to each defendant.

This Administrative Order supersedes and vacates Administrative Order 2019-90-Crim.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Broward County, Florida, this 2nd day of September, 2021.

/s/ Jack Tuter  
Jack Tuter, Chief Judge