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

Administrative Order 2021-10-CO (Amendment 1)

MISDEMEANOR DRUG COURT

(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 Judicial Administration 2.215(b)(3) states the chief judge shall "develop an administrative plan" ensures the efficient and proper administration of all courts within [this] circuit, considering available resources."

(c) Section 397.334, Florida Statutes, authorizes the chief judge to establish a drug court program to include misdemeanor pre-trial substance abuse education and treatment intervention programs as authorized by section 948.16, Florida Statutes.

(d) In accordance with the authority vested in the chief judge pursuant to Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED**:

GENERAL PROVISIONS

(1) Entry into misdemeanor drug court is voluntary, and may occur:

   (a) Prior to trial if a defendant is charged with a qualifying offense as set forth herein, or

   (b) Post-sentencing and as a condition of probation.

(2) Any defendant electing to voluntarily enter into the misdemeanor drug court program, either pretrial or as a condition of probation, must:

   (a) Sign an agreement setting forth all terms and conditions of participation, and all terms and conditions of probation, if applicable;

(b) Attend a pretrial substance abuse education and treatment intervention program or probation substance abuse education and treatment intervention program for a minimum of six (6) months;

(c) Substantially comply with all terms of probation or the terms of the pretrial substance abuse education and treatment intervention program (which shall include all approved alternative programs); and

(d) Substantially comply with all court orders.

(3) At the six (6) month anniversary of entry into a pretrial substance abuse education and treatment intervention program, or probation, the court shall conduct a status conference and determine if:

(a) The defendant successfully completed all terms and conditions of the pretrial substance abuse education and treatment intervention program and/or probation.

(b) The defendant is successfully finishing all terms and conditions of the pretrial substance abuse education and treatment intervention program and/or probation and will complete same within the next six (6) months.

(c) The defendant did not successfully complete all terms and conditions of the pretrial substance abuse education and treatment intervention program and/or probation and will not complete same within the next six (6) months. The court may determine if there are extraordinary circumstances and order continued treatment.

(4) A defendant's participation in misdemeanor drug court may be terminated if:

(a) There is an outstanding capias for a period of thirty (30) days, whereupon the case will be administratively transferred and randomly assigned by the Clerk of the court to an another county court criminal division;

(b) A new criminal charge or charges or violation of probation is/are filed;

(c) He or she is no longer participating in the pretrial substance abuse education and treatment intervention program or other approved program;

(d) He or she poses a danger to public safety;

(e) He or she requests a trial;

(f) He or she is charged with a violent felony crime or felony sex crime.

I. PRE-TRIAL PROGRAM

(1) A defendant, who has not been previously convicted of a felony, is eligible for participation in the pre-trial misdemeanor substance abuse education and treatment intervention drug court program if he or she charged with:

(a) A nonviolent, non-traffic-related misdemeanor and identified as having a substance abuse problem; or

(b) A misdemeanor for possession of a controlled substance or drug paraphernalia under Chapter 893, Florida Statutes; or

(c) Prostitution under section 796.07, Florida Statutes; or

(d) Possession of alcohol while under 21 years of age under section 562.111; or

(e) Possession of a controlled substance without a prescription under section 499.03, Florida Statutes; or

(f) Any other charge(s) agreed to by the State Attorney.

(2) An eligible defendant may seek to transfer his or her case to the misdemeanor drug court division by filing a written motion and having the matter heard by the misdemeanor drug court division judge. The Clerk of the Court shall provide a notice to the State Attorney, defense counsel, and defendant of the date and time for a hearing. Additionally, a judge may *sua sponte* order the transfer of a case to the misdemeanor drug court division.

(3) The State Attorney shall advise the misdemeanor drug court division judge if the defendant is eligible to participate in the program. If the State Attorney objects to a defendant's eligibility based upon allegations the defendant is involved in dealing or selling controlled substances, the State Attorney shall file such notice and a preadmission evidentiary hearing should be held before the assigned misdemeanor drug court division judge.

(4) Discharge from Program:

(a) The Court shall dismiss the charge(s) upon a finding that the defendant has successfully completed the Program.

(b) A defendant participating in misdemeanor drug court program shall be terminated at the discretion of the Court for any of the following reasons:

1. New criminal charges are filed against the defendant

2. The drug court judge determines, in its discretion, it is impossible or impracticable for the drug court to safely monitor the defendant or that there exists no suitable treatment for the defendant.

3. There is an outstanding capias for a period of thirty (30) days.

II. POST –SENTENCING

(1) If a case is transferred to drug court from another county criminal division for drug court probation and if the defendant is subsequently charged with a violation of probation or arrested and prosecution commenced for a crime not set forth herein, the case may be transferred back to the originally assigned county criminal division for proceedings with regard to the violation of probation or additionally filed misdemeanor charges after hearing before the misdemeanor drug court division judge.

This Administrative Order supersedes and vacates Administrative Order 2021-10-CO.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 18th day of November, 2024.

/s/ Jack Tuter
Jack Tuter, Chief Judge