

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER NO. 1999-35
(Vacates 1993-62, 1994-07, 1995-14, 1995-39 & 1995-91)**

IN RE: DRUG COURT

ESCAMBIA COUNTY ADULT DRUG COURT PROGRAM

WHEREAS, the Escambia County Drug Court has, by its evolution, demonstrated itself as a viable component of the Criminal Justice System of the First Judicial Circuit and whereas this evolution requires further judicial clarification;

WHEREAS, it appears a new Administrative Order is needed to clarify the issues in the Escambia County Adult Drug Court, the following replaces Administrative Orders Numbers 1993-62, 1994-07, 1995-14, 1995-39 and 1995-91, which are rescinded in their entirety; it is hereby

ORDERED that:

Effective June 8, 1993 a new Drug Court Division was established within the Criminal Division to hear exclusively cases involving defendants arrested with substance abuse addiction. The defendant must have no violent significant criminal history and will be disqualified if on controlled parole or has cases pending in counties other than Escambia County. Participation by a qualified defendant will be on a voluntary basis and entry will be permitted upon approval by the State Attorney's Office in conformance with admissions guidelines formulated by the Drug Court.

The Clerk of Court shall reassign all Drug Court cases to Division "X". The case shall remain in Division "X" if the offender is unsuccessfully terminated from the treatment program until further order of this court.

Any new filings involving Drug Court defendants will be assigned according to the normal format for general jurisdiction case assignment by the Clerk of the Court and will not be assigned to or consolidated with existing cases under Division "X".

The Florida Department of Corrections will provide community supervision of the defendants who participate in the Drug Court. The cost of supervision is waived for the offender's entire duration of probation.

A drug court treatment fee will be assessed to all defendants who enter the Drug Court Treatment Program. This fee is to be paid on a monthly basis at a minimum of \$25.00 per month not to exceed the cost of \$300. This fee is to be paid to the Department of Corrections. The

Department of Corrections shall disburse the funds on a monthly basis to the Honorable Ernie Lee Magaha, Clerk of the Court. The funds will be deposited in the Drug Court Treatment Funds Account.

The Escambia County Department of Corrections shall transport the eligible defendants to the Pathway Addiction Treatment Center, 1020 N. New Warrington Road, Pensacola, Escambia County, Florida.

The following procedures shall be established for entry into the Escambia County Drug Court:

1. Referrals of defendants for evaluation of Drug Court eligibility shall be made to the designated Assistant State Attorney authorized by the State Attorney in and for the First Judicial Circuit as liaison with the Escambia County Drug Court.

2. The liaison Assistant State Attorney shall make a determination of eligibility applying guidelines formulated by Drug Court personnel and approved by the sitting Drug Court Judges.

3. As liaison representative of the Drug Court, the determination of ineligibility by the designated Assistant State Attorney shall be final.

4. If a determination of eligibility is made by the designated Assistant State Attorney, he or she will coordinate with defendant's counsel for defendant and counsel to appear in Drug Court on a day and at a certain time.

5. Entry into Drug Court shall be either upon a plea of *nolo contendere* or guilty with sentence deferred or, upon a plea, with a suspended sentence under such terms and conditions as required by the sitting Drug Court Judge, who may approve or reject the plea.

6. Within three working days of entry of a defendant's pleas before the sitting Drug Court Judge, the Drug Court treatment provider will do an assessment of defendant's viability as a client for treatment and immediately notify the sitting Drug Court Judge of the assessment findings.

7. If a defendant is found not to be a viable candidate for treatment in the Escambia County Drug Court, defendant's plea and/or sentence will be vacated and defendant will be scheduled to appear at the next docket call of the division from whence the referral was made for further proceedings to disposition.

8. Referrals made to the Escambia County Drug Court after ten days prior to first scheduled docket call of the trial division to which defendant is assigned shall require approval of the trial judge sitting in that division.

DONE AND ORDERED in Chambers at Pensacola, Escambia County, Florida, on this 29th day of April, 1999.

Signed by: John P. Kuder, Chief Judge

Copies of Administrative Order No. 1999-35 furnished to:

All Circuit Judges, Escambia County
All County Judges, Escambia County
The Honorable John P. Kuder, Chief Judge
The Honorable Ernie Lee Magaha, Clerk of Court, Escambia County
The Honorable Curtis Golden, State Attorney
The Honorable Jack Behr, Public Defender
Wayne Peacock, Court Administrator
Department of Corrections
Pathway Addiction Treatment Center