

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

**ADMINISTRATIVE ORDER NO. 2008-12
(Vacates Administrative Order No. 1993-115)**

IN RE: DRUG COURT

OKALOOSA COUNTY ADULT DRUG COURT PROGRAM

WHEREAS, policies and procedures of the Okaloosa County Adult Drug Court program have changed since the entry of Administrative Order No. 1993-115, it is

ORDERED that the following procedures are established for entry to and participation in the Okaloosa County Adult Drug Court program:

1. The Okaloosa County Drug Court was established within the Criminal Division to preside in cases involving defendants whose criminal behavior is a by-product of a substance abuse addiction. The defendant must have no significant violent criminal history. Defendant will be disqualified if defendant is currently serving a controlled release. Defendant will be disqualified if defendant has an active felony case or any felony charges pending in any county other than Okaloosa County.
2. Entry to and participation in Okaloosa County Adult Drug Court by a qualified defendant will be on a voluntary basis, and will be permitted upon approval by the State Attorney's Office in conformance with *Florida Statutes* and admissions criteria established by the Chief Judge and Trial Court Administrator of the First Judicial Circuit.
3. Referral of a defendant for evaluation of his/her Drug Court eligibility shall be made to the Assistant State Attorney authorized and designated by the State Attorney in and for the First Judicial Circuit to serve as the assigned Assistant State Attorney to the Okaloosa County Drug Court.
4. The designated Assistant State Attorney shall make a determination of eligibility applying statutory guidelines and criteria approved by the Chief Judge and the Drug Court Judge.
5. Determination of ineligibility by the designated Assistant State Attorney shall be final.
6. At the time a determination of eligibility is made by the designated Assistant State Attorney, he or she will coordinate defendant's appearance on a date and time certain with defendant's counsel.
7. Entry to and participation in Drug Court shall be upon a plea of *nolo contendere* or guilty with a deferred sentence, or upon a plea of *nolo contendere* with placement on probation

or community control, and under such other terms and conditions as required by the sitting Drug Court Judge, who may approve or reject any plea.

8. Within three working days of the entry of defendant's plea before the sitting Drug Court Judge, a Drug Court treatment provider will perform an assessment of defendant's viability for treatment and immediately notify the sitting Drug Court Judge of provider's findings.

9. If a provider opines a defendant is not a viable candidate for treatment within the confines of the program criteria of the Okaloosa County Drug Court, and upon motion by the State or the defendant, the defendant's plea and/or sentence will be vacated. Defendant's case will be returned/reassigned to the referring division and defendant will be scheduled to appear in that division on the next available docket day.

10. The trial court judge of the referring division must approve any referral of a defendant to Okaloosa County Drug Court if the referral comes within the ten days prior to the first scheduled docket call in that trial division to which defendant is assigned.

11. The Florida Department of Corrections will provide community supervision of the defendants who participate in Drug Court. The Department of Corrections' cost of supervision is waived for the offender's probation while the offender participates in the Okaloosa Drug Court Program.

12. A drug court fee of \$500 will be assessed to all defendants who enter the Drug Court Treatment Program. This fee is to be paid to the Department of Corrections by the defendant on a monthly basis at a minimum of \$50 per month. The Department of Corrections shall disburse the collected funds monthly to the Okaloosa County Clerk of Court who is ordered to deposit the funds in the Drug Court Treatment Fund Account.

DONE AND ORDERED in Chambers at Pensacola, Escambia County, Florida, this 30th day of January, 2008.

Signed by: Kim A. Skievaski, Chief Judge

Copies furnished to:

All Judges, Okaloosa County
The Honorable Don W. Howard, Clerk of Court, Okaloosa County
The Honorable William Eddins, State Attorney
The Honorable Jack Behr, Public Defender
Robin Wright, Trial Court Administrator
Deborah Brown, Department of Corrections
Pathway Addiction Treatment Center