

ADMINISTRATIVE ORDER
NO. 2013-20-02

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND OSCEOLA
COUNTIES, FLORIDA

**AMENDED ADMINISTRATIVE ORDER GOVERNING THE
JUVENILE DELINQUENCY DRUG COURT PROGRAM**

WHEREAS, 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; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, drug and drug related cases have a considerable impact on the juvenile justice system; and

WHEREAS, there is strong community support for providing these services as well as support from the State Attorney, Public Defender, Department of Juvenile Justice and local law enforcement; and

WHEREAS, the Ninth Judicial Circuit, in partnership with other agencies, determined that a juvenile delinquency drug court was feasible and practicable;

NOW, THEREFORE, I, Frederick J. Lauten, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida, under Florida Rule of Judicial Administration 2.215, hereby order the following, **effective immediately**, to continue until

further order and superseding any provisions in prior Administrative Orders which may be inconsistent:

1. The criteria for participation are:

a. Must be a resident of either Orange County or Osceola County,

b. Must be at least 14 years of age by referral date and able to successfully complete the Juvenile Delinquency Drug Court Program (Program) before turning 19 years of age,

c. Must be physically and mentally capable to complete the Program and understand its requirements.

2. Offenses or charges eligible for referral to the Program include: possession of drugs and/or paraphernalia, misdemeanor cases and violation of probation cases where drug use may be suspected or where the defendant had a positive drug screen, and, any other offenses deemed appropriate by the Unified Problem Solving Court Judge. In cases that do not include a drug charge, suspicion that the defendant has a substance abuse problem and is in need of treatment is sufficient for referral to the Program.

3. Offenses or charges that are ineligible for referral to the Program include weapons offenses or charges, intent to sell or distribute offenses or charges (unless the State Attorney's Office enters a Petition for Delinquency with a memo to the court file referring the case to the pre-trial diversion track), sexual battery offenses or charges or those whose current offense or charge is likely to merit commitment of direct file charges.

4. The State Attorney's Office determines which cases are eligible for the Juvenile Delinquency Drug Court Diversion Track and refers those cases to the Program for screening,

assessment and admittance. Cases that are deemed eligible are accepted into the Program and the juvenile begins treatment as soon as possible. Upon successful completion of the Program, the juvenile's case is non-filed. Cases that are deemed ineligible during the screening and assessment process by Program staff are returned to the State Attorney's Office within thirty (30) days of that determination for routine case processing.

5. Any Juvenile Court Judge may order a case to be referred to the Program for screening, assessment and admittance into the Pretrial Intervention Track. Upon completion of the screening and assessment of the case, the Program staff will notify the referring Judge as to suitability for the Program. If deemed eligible, that juvenile is accepted into the Program and begins treatment as soon as possible. Upon successful completion of the Program, the juvenile's case is nolle prossed. Cases that are deemed ineligible during the screening and assessment process by Program staff are returned to the referring division within thirty (30) days of that determination for routine case processing.

6. Any Juvenile Court Judge may refer a case to the Probation Track if that Judge orders at disposition of the case that the juvenile be screened by the Program Office and follow the recommendations of the Program Office and treatment provider.

Upon completion of the screening and assessment of the case, the Program staff will notify the referring Judge as to suitability for the Program. If deemed eligible, the juvenile is accepted into the Program and begins treatment as soon as possible. Completion of the Program may result in early termination of probation. Cases that are deemed ineligible during the screening and assessment process will be returned to the referring Division within thirty (30) days of that determination for routine case processing.

7. Before a juvenile begins any track of the Program the juvenile and the parent or legal guardian must complete the Program contract and associated paperwork. Failure to complete the required paperwork in a timely manner will result in referral back to the State Attorney's Office or division of origination.

Administrative Order No. 2013-20-01 is vacated and set aside and has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 4th day of April, 2016.

_____/s/_____
Frederick J. Lauten
Chief Judge

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