

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

IN RE: DUI Felony Sentencing Procedures

ADMINISTRATIVE ORDER

WHEREAS, the Florida Legislature in Chapter 86-296 of the Florida Laws created Section 316.193(2)(b), effective October 1, 1986, which provides that any person who is convicted of a fourth or subsequent violation of driving under the influence is guilty of a felony of the third degree punishable as provided in Section 775.082, Section 775.083, or Section 775.084 of the Florida Statutes;

WHEREAS, it was decided at the October 1986 meeting of the Circuit and County Judges, that the County Judge who would normally handle the DUI case shall sentence under said Section 316.193(2)(b) of the Florida Statutes;

NOW, THEREFORE, I, George N. Diamantis, Chief Judge of the Ninth Judicial Circuit, order that the following procedures be followed in implementing the provisions of Section 316.193(2)(b) of the Florida Statutes:

1. Any case involving any person who is charged with a fourth or subsequent violation of the DUI laws (Driving Under the Influence), shall be assigned to the division or subdivision of the County Court that would normally handle this type of case.
2. If any person is convicted of a fourth or subsequent violation of the DUI laws (Driving Under the Influence), the County Judge to whom the case is assigned shall sentence the defendant pursuant to the provisions of Section 316.193(2)(b) of the Florida Statutes, which went into effect on October 1, 1986, and consistent with the provisions of Article X, Section 9 of the Florida Constitution. See *Rozinski v. State*, 298 So. 2d 546 (Fla. 2d DCA 1974); *Castle v. State*, 330 So. 2d 10 (Fla. 1976).
3. This Order shall remain in effect until further order or directive of the Chief Judge.

DONE AND ORDERED at Orlando, Florida, this        day of        , 19    .  
George N. Diamantis, Chief Judge  
Ninth Judicial Circuit of Florida

Copies to:  
All Judges of the Ninth Judicial Circuit  
State Attorney's Office, Orange County  
Orange County Sheriff's Office  
Public Defender's Office, Orange County  
Orange County Bar Association  
The Briefs of the Orange County Bar Association  
The Orange County Law Library  
Don Smallwood, President, Osceola County Bar Association  
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