

ADMINISTRATIVE ORDER  
NO. 2000-18-06

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

**AMENDED ADMINISTRATIVE ORDER GOVERNING  
THE DRUG COURT PROGRAM, ORANGE COUNTY**

**WHEREAS**, section 948.08(6)(a), Florida Statutes, and the inherent authority of the Ninth Judicial Circuit allows for the establishment of a Pre-Trial Substance Abuse Education and Intervention Program; and

**WHEREAS**, funding has been obtained to establish a program to provide drug treatment through a program to be known as “Drug Court;” and

**WHEREAS**, the proper implementation of a Pre-Trial Substance Abuse Education and Intervention Program authorized by section 948.08(6)(a), Florida Statutes, would provide a valuable alternative to prosecution in appropriate drug cases;

**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. A Pre-Trial Substance Abuse Education and Intervention Program hereinafter referred to as “Drug Court” was approved in Orange County and began operating on August 11, 2000.

2. The procedure for placement of eligible defendants into Drug Court is as follows:

- a. The referral of a defendant into Drug Court may be made by any of the criminal trial divisions with no plea taken, and may be made by defense counsel, the State Attorney’s Office, the Court, the Drug Court Office, the Pretrial Services Unit of the Orange County Department of Corrections, or any other interested party. As part of the referral, the

referring person/agency shall initiate the issuance of a Drug Court Referral Form (hereinafter referred to as “Referral Form”) and shall submit the Referral Form to the Drug Court Office or place the Referral Form in any Drug Court Basket in any criminal courtroom for screening and assessment. All necessary information regarding the defendant shall be provided on the Referral Form. Screening and assessment shall include a determination of eligibility of the offense, eligibility of the defendant’s criminal history, severity of substance abuse problem and any current funding body’s additional inclusion or exclusion criteria for program participation.

b. If the Drug Court Office approves the Referral Form, the Drug Court Office shall submit the Referral Form to the Treatment Provider for assessment of suitability of the defendant for participation in Drug Court. At the same time the Drug Court Office will send the original Referral Form to the State Attorney’s Office. Upon receipt of the Referral Form, the State Attorney’s Office shall determine whether or not the defendant is eligible, shall indicate this information on the Referral Form, and shall forward the Referral Form back to the Drug Court Office. The Drug Court Office will then forward the completed Referral Form to the Clerk of Court’s Office for placement of the case on the Drug Court Contract Signing docket. Prior to the contract signing, the defendant shall enter treatment and shall begin random urinalysis testing. The defendant’s progress as to the treatment and random urinalysis testing shall be reported to the Problem Solving Court Judge prior to the defendant being ordered into Drug Court.

c. At the Drug Court Contract Signing if the defendant elects to participate in Drug Court, the defendant shall sign the Drug Court Agreement and waive speedy trial. If the defendant elects not to participate in Drug Court or if the Problem Solving Court Judge

determines that the defendant is not appropriate for Drug Court, then the case shall be returned to the original trial subdivision.

d. Cases where the defendants have been rejected from participating in Drug Court, or cases where the defendants have chosen to opt out of Drug Court, shall be re-assigned back to the subdivision where the case was originally assigned.

e. A copy of the completed Referral Form shall be forwarded by the Drug Court Office, to the assigned trial judge, to defense counsel, and to the State Attorney's Office.

f. In cases where the defendants have successfully completed the Drug Court Program, the State Attorney shall file a nolle prosequi.

3. All defendants participating in Drug Court shall pay a fee of \$900.00 dollars to the Drug Court Program. This fee must be paid to the Clerk of Court. The Clerk of Court shall retain \$15.00 from each \$900.00 fee for processing costs. The remainder of those fees, pursuant to an agreement with the Clerk of Court, shall be remitted by the Clerk to the Orange County Drug Abuse Trust Fund established by the Board of County Commissioners, Orange County. Defendant participants may apply for a fee reduction with the Drug Court Program Office.

Administrative Order No. 2000-18-05 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 4<sup>th</sup> day of April, 2016.

\_\_\_\_\_/s/\_\_\_\_\_  
Frederick J. Lauten  
Chief Judge

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