

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2011-053 PI-CIR

**RE: ADULT DRUG COURT EXPANSION – PINELLAS COUNTY**

In order to implement the changes to the eligibility criteria adopted by the Legislature in SB 400, Ch. 2011-33, Laws of Fla., and

In accordance with Article V, §2, Florida Constitution, Rule of Judicial Administration 2.215, and §43.26, Florida Statutes,

**IT IS ORDERED:**

1. The State Attorney's office shall identify those defendants who meet the criteria to be included in the drug court expansion and transferred to section Z. The criteria are listed in Attachment A. Only those defendants who meet the criteria specified in Attachment A, who are approved by the State Attorney, and who are authorized by the section judge, including the section N or Q judge, as appropriate for section Z, shall be transferred to section Z.

2. All other terms and conditions of Administrative Order 2009-074 not in conflict with this Administrative remain in full force and effect. All other terms and conditions of Administrative Order 2007-001 remain in full force and effect.

**DONE AND ORDERED** in Chambers at Clearwater, Pinellas County, Florida, this \_\_\_\_\_ day of October, 2011 *nunc pro tunc* July 1, 2011.

ORIGINAL SIGNED on October 18, 2011  
BY J. THOMAS MCGRADY, CHIEF JUDGE

cc: All Pinellas Judges  
The Honorable Bernie McCabe, State Attorney  
The Honorable Bob Dillinger, Public Defender  
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County  
The Honorable Jim Coats, Sheriff, Pinellas County  
John Hendry, Regional Counsel  
Gay Inskeep, Trial Courts Administrator  
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk's Office  
Bar Associations, Pasco and Pinellas Counties  
Law Libraries, Pasco and Pinellas Counties

## ATTACHMENT A

<p style="text-align: center;"><b>Criminal Section/Section N</b> ↓ <b>Section Z</b></p> <p style="text-align: center;"><i>(section 948.01)</i></p>	<p>The Court may place a Defendant into the drug court program in section Z as a condition to probation or community control if the Defendant:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Committed an offense on or after July 1, 2009</li> <li><input type="checkbox"/> Sentence points on the Criminal Punishment Code score sheet are not more than 60 points</li> <li><input type="checkbox"/> Is a nonviolent offender, meaning: <ul style="list-style-type: none"> <li>○ A third-degree felony violation under chapter 810, Fla. Stat. (burglary or trespass), or</li> <li>○ Any other felony offense that is not a forcible felony as defined in section 776.08, Fla. Stat.</li> </ul> </li> <li><input type="checkbox"/> Is amenable to substance abuse treatment</li> <li><input type="checkbox"/> Is otherwise qualified under section 397.334(3), Fla. Stat.</li> </ul>
<p style="text-align: center;"><b>Criminal Section (Violation of Probation or Community Control)</b> ↓ <b>Div. Z</b></p> <p style="text-align: center;"><i>(section 948.06)</i></p>	<p>The Court may order a Defendant to complete the drug court program in section Z if:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The Court finds or the Defendant admits a violation of probation or community control</li> <li><input type="checkbox"/> Sentence points are not more than 60 points (<i>including</i> points for the violation)</li> <li><input type="checkbox"/> The underlying offense is a nonviolent felony, meaning: <ul style="list-style-type: none"> <li>○ A third-degree felony violation under chapter 810, Fla. Stat. (burglary or trespass), or</li> <li>○ Any other felony offense that is not a forcible felony as defined in section 776.08, Fla. Stat.</li> </ul> </li> <li><input type="checkbox"/> The Defendant is amenable to substance abuse treatment</li> <li><input type="checkbox"/> The Defendant agrees to participate after explanation of the program</li> <li><input type="checkbox"/> The Defendant otherwise qualifies under section 397.334(3), Fla. Stat.</li> </ul>
<p><b><i>section 397.334(3)--Entry into any postadjudicatory treatment-based drug court program, as a condition of probation or community control (pursuant to sections 948.01, 948.06, 948.20), must be based on the sentencing court's assessment of the Defendant's:</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Criminal history</li> <li><input type="checkbox"/> Substance abuse screening outcome</li> <li><input type="checkbox"/> Amenability to the services of the program</li> <li><input type="checkbox"/> Total sentence points</li> <li><input type="checkbox"/> Recommendation of the State Attorney and victim (if any)</li> <li><input type="checkbox"/> Agreement to enter the program</li> </ul>	