

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

ADMINISTRATIVE ORDER NO. 2016-011 PI-CIR

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

Administrative Order 2009-016 PI-CIR was created to identify the defendants to be served by an expanded adult post-adjudicatory drug court and to establish section Z for these cases. In doing so, the Administrative Order made reference to section Q, which has been closed in the interest of judicial efficiency. Thus, Administrative Order 2009-016 must be updated.

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

**IT IS ORDERED:**

1. Section Z is a post-adjudicatory drug court. The Clerk shall not assign circuit criminal cases on a random basis to section Z as provided in Local Rule three; rather, cases shall be assigned to section Z as further specified in this Administrative Order.

2. 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. The defendant should be identified as soon as possible but by the defendant's first pre-trial. A defendant's case may not be initially assigned by direct information to section Z; rather, the case must first be set for arraignment in a circuit criminal section.

3. When the State Attorney's office has identified a defendant to be transferred to section Z, that office may request the section judge, including the section N judge, to transfer the case to section Z. If the judge determines that the defendant may be suitable for transfer, the judge may authorize the defendant to obtain an evaluation. A defendant who is being considered for section Z must voluntarily and truthfully provide information to aid the Court at each step of the process. The defendant must execute a written consent form with a waiver of confidentiality for the evaluation and treatment in accordance with 42 C.F.R § 2.31 prior to the evaluation. If the defendant refuses to execute the written consent, the defendant will not be considered for transfer to section Z. The evaluation provides an overall assessment of the defendant's addiction and the resources needed to overcome that addiction. The evaluation will help the Court to determine whether the defendant is an appropriate candidate for section Z. The evaluation must use objective standards and criteria and must be conducted by the licensed, court-approved evaluator. If a section judge authorizes an evaluation, the case should be set on the section judge's calendar for a pre-trial three weeks after the defendant is referred for evaluation.

4. After the evaluation is obtained, the section judge may accept a plea from the defendant, impose a sentence, and transfer the case to section Z for judicial review of drug court treatment. Sanctions imposed by the sentencing judge are within the Court's discretion and include but are not limited to outpatient treatment programs and non-secure residential treatment programs. Other conditions of probation may be ordered, such as random drug testing, a requirement to obtain a G.E.D, or a requirement to participate in transitional housing and related

services. 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 judge, as appropriate for section Z shall be transferred.

5. Once a defendant is sentenced and the case is transferred to section Z, judicial review of drug court treatment will occur in section Z. The purpose of a judicial review is to assess the defendant's level of participation in treatment, monitor the overall success of treatment, and admonish or encourage the defendant in his or her attempt at rehabilitation. Prior to a judicial review, the judge may hold a case staffing with treatment providers, court staff, Department of Corrections personnel, assistant public defenders, assistant state attorneys, and others selected by the judge.

6. Defendants who successfully complete and graduate from drug court may receive a reduced probationary period. The section Z judge will review a defendant's successful completion of the assigned treatment and make the ultimate decision whether a defendant may graduate from drug court.

7. Staff in the Administrative Office of the Courts will facilitate the process by which a defendant is evaluated; coordinate the procedure by which the written evaluation is furnished to the State Attorney's office, defense counsel, and judge; assist the Court in managing its caseload; compile statistics; prepare the cases scheduled on the section Z calendar; schedule initial appointments with treatment providers; and perform other case management functions for the Court as required.

8. The sanctions imposed by the section Z judge for violating probation due to a failed or suspect substance abuse test are within the Court's discretion. The judge may continue probation, may revoke probation and order a new term of probation, may impose a term of incarceration in either the county jail or Department of Corrections, as provided by the Criminal Punishment Code, or impose any other sanction authorized by law. A violation of probation due to any reason other than a failed or suspect substance abuse test may result in the case being transferred back to the original section judge for hearing the violation of probation.

9. No more than 300 defendants may be in section Z at any one time unless the judge assigned to section Z specifically authorizes that number to be exceeded. The Administrative Office of the Courts shall notify the State Attorney when section Z does not have the capacity for additional defendants.

10. Attachments to this Administrative Order may be modified without further changes to this Administrative Order.

Administrative Order 2009-074 PI-CIR is hereby rescinded.

**DONE AND ORDERED** in Chambers, at St. Petersburg, Pinellas County, Florida this \_\_\_\_\_ day of March, 2016.

ORIGINAL SIGNED ON MARCH 1, 2016  
BY ANTHONY RONDOLINO, CHIEF JUDGE

Attachment A: Section Z Criteria

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 Bob Gualtieri, Sheriff, Pinellas County  
Gay Inskip, Trial Courts Administrator  
Ngozi Acholonu, Assistant Regional Counsel  
Julie L. Jones, Secretary, Florida Department of Corrections  
Pinellas Information Technology Office  
Bar Associations, Pasco and Pinellas Counties  
Law Libraries, Pasco and Pinellas Counties

**ATTACHMENT A**

<p align="center"><b>Criminal Section/Section N ↓ Section Z  (section 948.01)</b></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 align="center"><b>Criminal Section (Violation of Probation or Community Control) ↓ Div. Z  (section 948.06)</b></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><u>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:</u></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>	