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**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 06-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 05-08-A1
(Amending AO No. 05-08)**

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**IN RE: EXPANSION OF JUVENILE
DRUG COURT**

WHEREAS, pursuant to Administrative Order No. 05-08, in view of the success of the Juvenile Drug Court in the Eleven Judicial Circuit of Florida for eligible post-adjudication drug cases in Miami-Dade County, Juvenile Drug Court was expanded to include eligible pre-adjudication drug cases in an effort to reduce recidivism by emphasizing treatment and rehabilitation as an alternative to incarceration, while also requiring offender accountability; and

WHEREAS, to further clarify the eligibility criteria for participation in Juvenile Drug Court, it was recommended that the Administrative Order be amended to (a) add to eligible offenses "has no additional felony charges, firearm charges or violent offenses" and (b) to distinguish that eligible offenses are for pre-adjudication cases and non-eligible offenses are for post-adjudication cases;

NOW, THEREFORE, based on the aforementioned recommendations, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.050 of the Florida Rules of Judicial Administration, it is hereby **ORDERED** that Administrative Order No. 05-08 is accordingly amended:

1. Effective January 1, 2006, the Juvenile Drug Court, currently in effect in the Eleventh Judicial Circuit for eligible post-adjudication drug cases will expand to provide for the inclusion of eligible pre-adjudication drug cases.
2. **Eligible Offenses (Pre-adjudication cases):** Pursuant to Section 985.306, Fla. Stat. (1998), a juvenile who is charged by petition under Chapter 893, Fla. Stat., with a felony of the second or third degree for purchase or possession of a controlled substance, and has no additional felony charges, firearm charges or violent offenses, and who has not previously been adjudicated for a felony nor been admitted to a delinquency pretrial intervention program under Section 985.306(1)(a), Fla. Stat., is eligible for admission into a delinquency pretrial substance

abuse program.

3. **Non-eligible Offenses (Post-adjudication cases):** Youth who have been charged with the following offenses will not be eligible:
- a. gun offenses (i.e., possession of a firearm);
 - b. sale of drug offenses (i.e., intent to sell);
 - c. violent offenses (i.e., aggravated assault; aggravated battery; assault charges (misdemeanor or felony); strong arm robbery (unless victim approval is given for misdemeanor and felony battery charges only);
 - d. sexual battery offenses;
 - e. those whose current offense is likely to merit commitment or direct file charges;
 - f. those who live outside of Juvenile Drug Court boundaries;
 - g. youths who are 18 years of age or older;
 - h. youths with severe mental illness, retardation, or other severe disabilities that would likely result in the inability to successfully complete the drug court conditions; and
 - i. youths who meet the criteria for long term residential services.

Additionally, if the State Attorney believes that the facts and circumstances of the case suggest the youth's involvement in the dealing and selling of controlled substances, the court shall hold a preliminary hearing. If the State Attorney establishes by a preponderance of the evidence at such hearing that the youth was involved in the dealing and selling of controlled substances, the youth is ineligible and the court shall deny the youth's admission into Juvenile Drug Court.

4. **Placement Procedure:** The procedure for placement of eligible defendants into Juvenile Drug Court is as follows:
- a. **Referral:** A referral can be made to Juvenile Drug Court by Judges, Assistant Public Defenders, Assistant State Attorneys, Juvenile Probation Officers, and others.
 - b. **Screening:** Most of the Juvenile Drug Court participants are initially screened by the Juvenile Assessment Center ("JAC"). If the JAC, or other service provider, after testing the juvenile, determines that the juvenile has a substance abuse problem, the JAC will classify the juvenile as mild, moderate or severe drug abuser.
 - c. **Eligibility Determination:** After a juvenile is found to be a drug abuser by the JAC or other service provider, then the staffing team consisting of members from the Administrative Office of the Courts, the

Office of the Public Defender, the Office of the State Attorney, the Department of Juvenile Justice, Miami-Dade Public School System, and various treatment providers (collectively, "Staffing Team"), will meet once a week to screen new filings to determine Juvenile Drug Court eligibility.

- d. **Acceptance:** After a petition has been filed, but prior to adjudication and after the Staffing Team determines a juvenile is eligible to participate in Juvenile Drug Court, the Assistant Public Defender then meets with his/her client to discuss whether or not the juvenile wishes to participate in Juvenile Drug Court. If the juvenile wishes to participate, the case is referred to the Juvenile Drug Court Judge for acceptance into the Juvenile Drug Court.
5. Once the juvenile is accepted into Juvenile Drug Court, the juvenile is monitored by the Staffing Team on a weekly basis. If the Staffing Team determines that Juvenile Drug Court is no longer a viable option for the juvenile or the juvenile drops out of Juvenile Drug Court, the Juvenile Drug Court Judge will refer the case back to the original delinquency division.
6. As provided in Section 985.306 (1)(b)(2), Fla. Stat., the court shall determine, by written finding, whether the youth has successfully completed the delinquency pretrial intervention program and may dismiss the charges upon finding that the youth has successfully completed the delinquency pretrial intervention program.

Except as amended herein, Administrative Order No. 05-08 remains in full force and effect.

This Order shall take effect upon execution and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this 16th day of May 2005.

JOSEPH P. FARINA
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA