

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY

THIS ADMINISTRATIVE ORDER WAS
RENUMBERED BY ADMINISTRATIVE

ORDER NUMBER 2001-14-2.

THE NEW NUMBER IS

98-05-3

ADMINISTRATIVE ORDER NO. 98-05

(Vacating Administrative Order No. 97-08 and
Amendment to Administrative Order 97-08)

IN RE:

CRITERIA/PROCEDURE FOR PRETRIAL RELEASE TO PARTICIPATE IN THE TWELFTH
CIRCUIT DRUG COURT PROGRAM

Pursuant to Fla. R. Jud. Admin. 2.050 and §948.08(6), Fla. Stat. (1995), this Court previously established the Twelfth Circuit Drug Court Program (hereinafter "Program").

To properly implement this program, it is necessary to recruit clients as quickly after arrest as possible. Therefore, pursuant to the criteria set forth in this order, persons who have been arrested can be released from jail on supervised pretrial release with Drug Court conditions without the signature or verbal approval of a Judge. After assessment, if approved for release by pretrial services, a Notification Authorizing Release from Custody will be issued by a pretrial services officer.

IT IS ADJUDGED THAT a pretrial services officer may release from custody pretrial detainees without the prior verbal or written consent of a Judge:

1. If the State Attorney's Office of the Twelfth Judicial Circuit authorizes the release of the detainee to participate in the Twelfth Circuit Drug Court Program.

OR

2. If all of the following criteria are met:

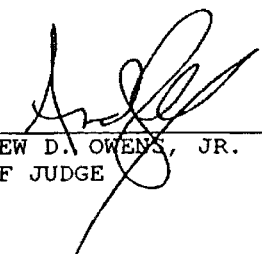
- A. Detainee shall be a resident of Manatee or Sarasota County.
- B. Detainee shall have no convictions involving a crime of violence, misdemeanor or felony, and detainee shall have no pending charges for domestic violence, repeat violence or a violent felony.
- C. Detainee shall not currently be on probation or community control for a felony charge.
- D. Detainee's primary charge shall be a felony of the second or third degree for purchase or possession of a controlled substance under §893.13, Fla. Stat. (1997).

- E. Detainee shall not be charged with the sale or delivery of a controlled substance, or possession with intent to sell, as defined in §893.03, Fla. Stat. (1995).
- F. Detainee shall have no more than two prior felony convictions.
- G. Detainee shall have no more than three charges for failure to appear on misdemeanor charges and no charges for failure to appear on felony charges within the last five calendar years.
- H. Detainees with pending misdemeanors, except D.U.I., in addition to the primary drug charge may also be released from custody by pretrial services provided the foregoing criteria for release from custody have been satisfied by detainee.

IT IS FURTHER ADJUDGED THAT anyone released pursuant to this order shall be released from custody ONLY to a pretrial services officer.

IT IS FURTHER ADJUDGED THAT persons released pursuant to this order who fail to comply with Drug Court conditions shall have their release revoked and be returned to custody under the bond applicable at the time of release. The said defendant, unless she/he posts the set bond amount(s) shall be brought before a magistrate at the next advisory hearing following arrest.

DONE AND ORDERED in Sarasota, Florida, this 10th day of June, 1998.



ANDREW D. OWENS, JR.
CHIEF JUDGE

Original to:
Clerk of Court, Sarasota County

Copy to:
Court Administrator