

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT

IN AND FOR POLK COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2-71.0

IN RE: CREATION OF POLK COUNTY DUI/DRUG COURT

WHEREAS, the National Highway Traffic Safety Administration and the Florida Department of Highway Safety and Motor Vehicles have reported 3,155 alcohol related crashes with 2,605 alcohol related injuries and 187 fatalities between 2000 and 2004 in Polk County, and

WHEREAS, Florida ranks third in the nation with alcohol related fatalities, and

WHEREAS, the National Highway Traffic Safety Administration has given the Polk County DUI/Drug Court Task Force training, funding and support, and

WHEREAS, the Polk County DUI/Drug Court Task Force consists of all interested parties including Judges, Assistant State Attorneys, Defense Attorneys, County Probation, Polk County Sheriff's Office, Lakeland Police Department Offices, AA representatives and MADD representatives and all are recommending the creation of a Polk County DUI/Drug Court, it is therefore

ORDERED as follows:

There is hereby created a Polk County DUI/Drug Court to be handled by the VOP Drug Court division judicial assignment. The presiding Judge is authorized and assigned to accept pleas to misdemeanor and felony DUI cases or associated cases in accordance with the criteria established for acceptance into the DUI/Drug Court program. The presiding Judge shall also be responsible for any Violations of Probation while the defendants are participating in the program and if the defendants are terminated from the program.

In accordance with the admission criteria, the State Attorney may, in his/her discretion, offer any multiple DUI offender the option of DUI/Drug Court as part of a negotiated plea offer. If accepted, the offender's case will be transferred to the Judge presiding over DUI/Drug Court to take the plea and sentence accordingly. The DUI/Drug Court shall be a condition of the offender's probation.

The DUI/Drug Court shall explain and provide the offender with a copy of the Rules and Possible Sanctions that may be imposed for any violation of the program requirements. Any violations shall be considered as a Violation of Probation and the presiding judge may impose any sanctions, including termination from the program, and sentence the offender according to law.

This Order shall go into effect on October 1, 2006.

DONE AND ORDERED on this 20th day of September 2006.

RONALD A. HERRING

Chief Judge