

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2026-002
(Supersedes Administrative Order S-2020-009)**

ADULT DRUG TREATMENT COURT

Florida Statutes section 397.334 authorizes the establishment of treatment-based drug court programs in each judicial circuit. It is necessary for the proper and efficient operation of the Thirteenth Judicial Circuit to update the administrative provisions governing Adult Drug Treatment Court Division “W.”

By the power vested in the chief judge under Article V, Section 2(d), Florida Constitution; Florida Statutes section 43.26; and Florida Rules of General Practice and Judicial Administration 2.215(b)(2) and 2.215(e)(3), it is ORDERED as follows:

1. Purpose

The purpose of Adult Drug Treatment Court Division “W” (Division “W”) is to provide a non-adversarial, evidence-based approach to treatment for defendants charged with a criminal offense who struggle with a substance use disorder or co-occurring mental health and substance use disorder. Division “W” addresses not only the problems leading to the defendant’s entry into the criminal justice system, but also the barriers impeding their treatment and recovery.

2. Definitions

For purposes of this administrative order, the following terms have the following meanings:

A. *Adult Drug Treatment Court Model* means adhering to the Florida Adult Drug Court Best Practice Standards whereby highly individualized treatment and supervision plans for each participant are created by evidenced-based assessments, judicial supervision, and personal accountability. The Adult Drug Treatment Court Model utilizes a case management system, as set forth in Section 397.334(4), which adopts a court-supervised, non-adversarial approach to each case as an alternative to the traditional adversarial litigation process (*i.e.*, no pretrial motions or trials). The Adult Drug Treatment Court Model is based on a clearly defined track and phase structure that includes varying levels of treatment, supervision, incentives and sanctions, and frequent case staffings and court hearings, as set forth in the Florida Adult Drug Court Best Practice Standards. Depending on

a participant's specific risks, clinical needs, and availability of appropriate resources, a participant also may receive mental health counseling, trauma-informed services, criminal thinking interventions, and other treatment and social services necessary to successfully graduate from the Adult Drug Treatment Court Program.

B. *Adult Drug Treatment Court Team* means a multi-disciplinary team of professionals who provide a continuum of individualized treatment including an array of evidence-based services designed to identify and meet the unique needs of each participant. The Adult Drug Treatment Court Team includes, but is not limited to, judges, assistant state attorneys, defense attorneys, supervision officers, court case managers, and treatment providers.

C. *Criminal Charge(s)* means any criminal offense(s) formally charged by the State of Florida.

D. *Drug Treatment* means a continuum of care that includes, without limitation, detoxification, outpatient, intensive outpatient, residential, partial-hospitalization, and aftercare.

E. *Enrollment Docket* means the docket on which the participant's initial appearance in Division "W" will appear. This docket will occur on one or more specific days of the week as determined by the presiding judge in Division "W." Any case transferred from a standard circuit criminal division or from Violation of Probation Court (Division "K") to Division "W" will be placed on the next available enrollment docket.

F. *Felony* means any "felony" as defined by Section 775.08(1).

G. *Nonviolent Felony* means a third-degree felony violation of Florida Statutes chapter 810 or any other felony offense that is not a forcible felony as defined in Section 776.08.

H. *Plea* means a plea of guilty or no contest to a criminal charge under Florida Rules of Criminal Procedure 3.170 and 3.172, in which the defendant either acknowledges their guilt or acknowledges that they feel the plea to be in their best interest.

I. *Standard Circuit Criminal Division* means any of the following divisions of the Circuit Criminal Division: "A," "B," "C," "D," "E," "F," "G," and "I."

J. *Violent Felony* means any forcible felony as defined by Section 776.08.

K. *VOP* means a violation of probation, violation of drug offender probation, violation of community control, or violation of community control II.

3. Eligibility and Transfer of Cases

Participation in Division “W” is voluntary and eligibility to participate in either the Adult Drug Treatment Court Pretrial Intervention Program or Post-Adjudicatory Program within Division “W” is determined by statute.

A. Adult Drug Treatment Court Pretrial Intervention Program

(1) In accordance with Section 948.08(6)(b), a defendant is eligible for voluntary admission into the Adult Drug Treatment Court Pretrial Intervention Program if he or she: (a) is identified as having a substance use problem and is amendable to treatment; (b) is charged with a nonviolent felony; (c) is not also charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence; and (d) has two or fewer felony convictions, provided that the prior convictions are for nonviolent felonies.

(2) Upon motion of either party or the standard circuit criminal division judge’s own motion, and with the agreement of the defendant, the standard circuit criminal judge will admit an eligible person into the Adult Drug Treatment Court Pretrial Intervention Program, unless either Section 948.08(6)(c)1. or 2. apply.

(3) Prior to entry into the program, the defendant must knowingly and intelligently waive their right to a speedy trial for the period of the diversion program. Defendants will not be required to enter a plea of guilty or no contest to their current charge(s) in order to enter the Adult Drug Treatment Court Pretrial Intervention Program.

(4) Thereafter, the standard circuit criminal division judge will enter an order transferring the case to Division “W” and direct the court clerk to schedule the case on the next available enrollment docket.

(5) Upon entry into the Adult Drug Treatment Court Pretrial Intervention Program, the participant will be subject to a coordinated treatment strategy developed by the Adult Drug Treatment Court Team. The participant will

be required to complete a series of assessments to determine specific risks, clinical needs, and appropriate resources. The participant will be required to enter into a written agreement outlining the requirements to participate in and successfully complete the Adult Drug Treatment Court Pretrial Intervention Program. Successful completion of the Adult Drug Treatment Court Pretrial Intervention Program will result in dismissal of the criminal charge(s) against the defendant.

B. Adult Drug Treatment Court Post-Adjudicatory Program

(1) In accordance with Section 948.01(7)(a), to be eligible for voluntary admission into the Adult Drug Treatment Court Post-Adjudicatory Program, a defendant must meet the following criteria: (a) the defendant's Criminal Punishment Code scoresheet total sentence points are 60 points or fewer; (b) the defendant's offense(s) is a nonviolent felony; (c) the defendant is amendable to substance abuse treatment; and (d) the defendant otherwise qualifies under Section 397.334(3).

(2) Further, in accordance with Section 397.334(3)(a), participation in the Adult Drug Treatment Court Post-Adjudicatory Program must be based upon the court's assessment of the defendant's criminal history, substance abuse screening outcome, amenability to the services of the program, total sentence points, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

(3) The standard circuit criminal division judge presiding over the defendant's case will make the final determination as to whether the defendant is approved for participation in the Adult Drug Treatment Court Post-Adjudicatory Program. Upon receiving approval, but prior to entry into the program, the defendant will be required to enter a plea of guilty or no contest and be sentenced on their current criminal charge(s) before the presiding judge in the standard circuit criminal division.

(4) After the defendant has been sentenced, the standard circuit criminal division judge will enter an order transferring the case to Division "W" and direct the court clerk to schedule the case on Division W's next available enrollment docket.

(5) Upon entry into the Adult Drug Treatment Court Post-Adjudicatory Program, the participant will be subject to a coordinated treatment strategy developed by the Adult Drug Treatment Court Team and required to complete a series of assessments to determine specific risks, clinical needs, and

appropriate resources. The participant will be required to enter into a written agreement outlining the requirements to participate in, and successfully complete, the Adult Drug Treatment Court Post-Adjudicatory Program.

4. Treatment

Upon entry into Division “W,” the participant will be assessed by a court specialist or treatment provider approved by the presiding judge of Division “W” using a validated risk assessment tool. The participant also will be assessed using an evidence-based needs assessment tool that provides clinicians the ability to standardize treatment planning, determine the appropriate level of treatment, and provide continuing integrative care and ongoing services.

5. Agreement

The defendant will be required to review and enter into a written agreement outlining the terms and conditions required for the successful completion of the Adult Drug Treatment Court Program.

6. VOP in Adult Drug Treatment Court (Division “W”)

A. Technical VOP

If a VOP arises as the result of any violation that does not involve a new criminal charge(s), the presiding judge of Division “W” will handle the VOP in accordance with Adult Drug Treatment Court Best Practices.

B. New Misdemeanor Criminal Charge(s) VOP

If a VOP arises as the result of a new misdemeanor criminal charge(s), the presiding judge of Division “W” shall promptly set the matter for a hearing. At the hearing, if the defendant wants to contest the VOP and new misdemeanor criminal charge(s), the presiding judge of Division “W” will direct the court clerk to transfer the defendant’s case and the corresponding VOP to Violation of Probation Court (Division “K”) for further proceedings. As a result, the defendant will be unsuccessfully discharged from the Adult Drug Treatment Court Program. If the defendant does not want to contest the VOP and new misdemeanor criminal charge(s), the defendant will be required to enter an admission to the VOP and a plea of guilty or no contest to the new misdemeanor criminal charge(s) before the presiding judge of Division “W.” The presiding judge of Division “W” will determine at a hearing whether to (1) unsuccessfully discharge the defendant from Division “W” and sentence the defendant in accordance with Florida law, or (2) allow the defendant to remain in Division “W” subject to modification(s) of the terms and conditions of the defendant’s supervision.

C. New Nonviolent Felony Criminal Charge(s) VOP

If a VOP arises as the result of a new nonviolent felony criminal charge(s), the presiding judge of "W" must promptly set the matter for a hearing. At the hearing, if the defendant wants to contest the VOP and the new nonviolent felony criminal charge(s), the presiding judge of Division "W" will direct the court clerk to transfer the defendant's case and the corresponding VOP back to the standard circuit criminal division for further proceedings. As a result, the defendant will be unsuccessfully discharged from the Adult Drug Treatment Court Program. If the defendant does not want to contest the VOP and the new nonviolent felony criminal charge(s), the defendant will be required to enter an admission to the VOP and a plea of guilty or no contest to the new nonviolent felony criminal charge(s). The defendant will enter their admission to the VOP and a plea of guilty or no contest to the new nonviolent felony criminal charge(s) before the presiding judge of Division "W." The presiding judge will determine at a hearing whether to (1) unsuccessfully discharge the defendant from the Adult Drug Treatment Court Program and sentence the defendant in accordance with Florida law, or (2) allow the defendant to remain in Division "W" subject to modification(s) of the terms and conditions of the defendant's supervision.

D. New Violent Felony Criminal Charge(s) VOP

If a VOP arises as the result of a new violent felony criminal charge(s), the presiding judge of Division "W" will direct the court clerk to transfer the defendant's case and the corresponding VOP back to the standard circuit criminal division for further proceedings. As a result, the defendant will be unsuccessfully discharged from Division "W."

7. Transfer of Violation of Probation Court (Division "K")
Cases to Adult Drug Treatment Court (Division "W")

A. For any VOP case pending in Division "K" in which the underlying offense was committed on or after July 1, 2009, the presiding judge of Division "K" may transfer the VOP to Division "W" subject to the limitations in section 3(B)(1) of this administrative order, if (1) the defendant admits they have violated their community control or probation; (2) the defendant's Criminal Punishment Code scoresheet total sentence points are 60 points or fewer after including points for the violation; (3) the underlying offense is a nonviolent felony; (4) the court determines the defendant is amendable to the services of the Adult Drug Treatment Court Post-Adjudicatory Program; (5) the court has explained the purpose of the program to the defendant and the defendant has agreed to participate; and (6) the defendant is otherwise qualified to participate in the program under the provisions of Section 397.334(3).

B. The presiding judge of Division “K” will make the final determination as to whether the defendant is approved for participation in the Adult Drug Treatment Court Post-Adjudicatory Program. Upon receiving approval, but prior to entry into the program, the defendant will be required to enter an admission to the VOP and be sentenced before the presiding judge of Division “K.”

C. Thereafter, the presiding judge of Division “K” will order the transfer of the defendant’s case to Division “W” and direct the court clerk to schedule the case on Division W’s next available enrollment docket.

D. Upon entry into the Adult Drug Treatment Court Post-Adjudicatory Program, the participant is subject to a coordinated treatment strategy developed by the Adult Drug Treatment Court Team. The participant will be required to complete a series of assessments to determine specific risks, clinical needs, and appropriate resources. The participant will be required to enter into a written agreement outlining the requirements to participate in, and successfully complete, the Adult Drug Treatment Court Post-Adjudicatory Program.

8. Transfer of Certain Probation-Sentenced Cases to Adult Drug Treatment Court (Division “W”)

If the presiding judge of a standard circuit criminal division determines that (a) a defendant’s Criminal Punishment Code scoresheet total sentence points are 60 points or fewer, (b) the offense is a nonviolent felony, (c) the defendant is amenable to substance abuse treatment, (d) the defendant otherwise qualifies under Section 397.334(3), and (e) the presiding judge of Division “W” consents to the transfer of the case, the presiding judge of a standard circuit criminal division may enter an order transferring the defendant’s supervision of probation to Division “W” and direct the court clerk to schedule the case on Division W’s next available enrollment docket.

9. Transfer of Case from Adult Drug Treatment Court (Division “W”) Back to a Standard Circuit Criminal Division

All cases transferred from Division “W” will be reassigned back to the standard circuit criminal division in which the case was last pending. The court clerk will place the case on the next available standard circuit criminal division docket and provide notification in open court of the next court date and time for the division to which the case is reassigned.

10. Reassignment Upon Judge's Disqualification or Recusal

If the presiding judge of Division "W" enters an order of disqualification or recusal, the administrative judge of the circuit criminal division shall preside over the matter.

11. Problem-Solving Courts Oversight Committee

The Problem-Solving Courts Oversight Committee, as established by Administrative Order S-2023-062 or its successor, will continue to oversee drug court operations, recommend strategies to maintain the quality and effectiveness of drug court operations, and ensure access to appropriate resources through the collaborative services of the courts, drug treatment, and the community.

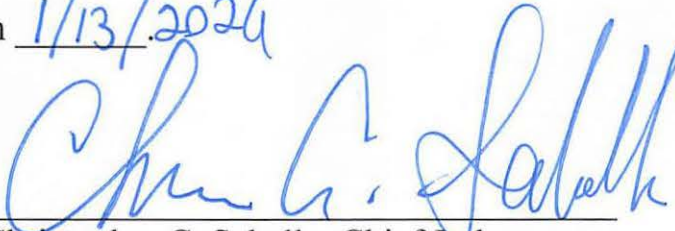
12. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2020-009 (*Drug Court*).

13. Effective Date

This administrative order is effective February 2, 2026.

ENTERED on 1/13/2024



Christopher C. Sabella, Chief Judge

Original to: Victor Crist, Clerk of the Circuit Court
Copy to: All Circuit Criminal Division Judges
K. Angela Smith, Interim Trial Court Administrator
Lisa B. McLean, Public Defender
Susan S. Lopez, State Attorney
Paul L. Figueroa, President of Hillsborough County Association of
Criminal Defense Lawyers
Patrick Barrentine, Department of Corrections Administrator