

IN THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT, IN AND FOR «DBNAME» COUNTY,
FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO.: «CASE_NO»

vs,

DIVISION: «DIVISION»

«DEFENDANT»

Defendant.

_____ /

DRUG DIVERSION PROGRAM LEVEL TWO CONTRACT

CHARGES: «FILED_CHARGES»

It being alleged that «DEFENDANT» committed the above-mentioned offenses against the State of Florida and it further appearing after an investigation of the offenses and into your background that at this time the interest of the State of Florida, and your interest will best be served by the following procedures:

THEREFORE,

On the authority of «SA_NAME_LOWER», State Attorney, in and for the Ninth Judicial Circuit, «DB_CITY», County, Florida, a Nolle Prosequi will be entered upon completion of the Drug Diversion Program Level Two offered by the State Attorney's Office of the Ninth Judicial Circuit, provided you abide by the following conditions:

1. You shall complete **one** of the following:
 - a. A 4-hour online substance abuse course, (See addendum for instructions)
 - b. A substance abuse assessment, (See addendum for instructions)
 - c. A 2-hour face to face substance abuse education program (details forthcoming) (See addendum for instructions)
2. You shall complete 4 hours of community service (see addendum for instructions)
3. You shall pay to the Clerk of Court the following fees:
 - a. \$100.00 Cost of Prosecution
 - b. \$50.00 application fee for the Office of the Public Defender or Regional Conflict Counsel
 - c. \$ _____ Cost of investigation to «AGENCY_DESC»

Total Fees to be paid: \$ _____

4. You shall refrain from possessing or using any controlled substance that is not prescribed to you by a doctor.
5. You shall not commit any criminal violation while participating in the Drug Diversion Program Level Two. You will be discharged from the Drug Diversion Program Level Two if you are arrested or charged with a new criminal violation while enrolled in the program.

6. You shall not commit a new criminal violation within 175 days of the arrest date of this case. If the Office of the State Attorney files or formally pursues a new charge against you that was committed within 175 days of your arrest date in this case, you understand and agree that the State of Florida may refile this case and then proceed to trial.
7. You shall complete these requirements in a timely manner. These requirements shall be completed by the scheduled pretrial conference. Failure to complete these requirements may subject you to rejection from the program by either the Assistant State Attorney or the Judge assigned to the case. The Judge assigned to the case will have the final say in whether to allow a defendant additional time to complete the program.

By signing this deferred prosecution, «DEFENDANT» acknowledges that «HE_SHE_LOWER» has read this contract, understands the conditions that must be completed and maintained for a period of 175 days following the completion of the program, and has discussed the terms of this contract with an Attorney or understands the terms of the contract and does not wish to discuss the terms of the contract with an Attorney.

Signed in open court on this the _____ day of «MM_YY».

«DEPUTY_CHIEF»

Assistant State Attorney

Florida Bar Number:

«DEPUTY_CHIEF_BAR»

«DEFENDANT_LOWER»

Defendant

«DEF_ATTYY»

Attorney for Defendant

«DEF_ATTYY_ADDR»

Addendum to the Drug Diversion Program Level 2

For the 4 hours of community service:

The 4 hours of community service must be completed with a nonprofit, meaning a 501(c)(3) organization, and the proof of completion must be on letterhead, with an original signature. The letter must include a phone number, in case the Assistant State Attorney chooses to call to verify. The letter must include the date the community service was completed.

For the 4-hour online substance abuse course, the substance abuse assessment, or the 2-hour substance abuse education class, you must complete either A, B, or C below:

- A. **The Defendant must complete a 4-hour online substance abuse course which provides a certificate of completion at the conclusion of the program. OR**
- B. **The Defendant must complete an assessment (not a screening) for substance abuse** through an evidence-based assessment tool, with any recommendations provided to the defendant. Appropriate assessments such as the ASI, ASI-MV, a BioPsychoSocial evaluation, the TASC Substance Abuse and Mental Health Assessment Report or TASC Behavioral Health Index will satisfy this expectation. This assessment must be completed by a licensed substance abuse counselor. The defendant must provide a letter on letterhead from the licensed substance abuse counselor indicating that they have had the assessment, and that the full report was provided to the defendant. This letter must include the date of the evaluation, the type of the evaluation, and that the full report was provided to the defendant. (The defendant need not provide the report to the State Attorney's office.) OR
- C. **The Defendant must complete at least 2 hours of face to face substance abuse education** with a licensed/certified treatment provider, such as a professional holding a CAP, MCAP, MSW, LCSW, LMHC, ABA, BCBA, PsyD, or MD). These initials indicate Certified Addiction Professional, Master's Level Certified Addiction Professional, Master's in Social Work, Licensed Clinical Social Worker, Licensed Mental Health Counselor, Applied Behavior Analysis Therapist, Board Certified Behavior Analyst, Doctor of Psychology, Medical Doctor. This need not be one on one and can be in a larger group setting. Proof of completion must be on letterhead, with an original signature, and the signature block should show one or more of these credentials. The letter must include a phone number, in case the Assistant State Attorney chooses to call to verify.

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DRUG DIVERSION PROGRAM LEVEL TWO ORDER TO PAY FEES
THROUGH THE CLERK OF THE COURT

The Defendant in the above styled cause having elected to participate in the Drug Resistance Education Program, is hereby ordered to pay fees for said program through the Clerk of the Court:

- a. X \$100.00 Cost of Prosecution
- b. \$50.00 application fee for the Office of the Public Defender or Regional Conflict Counsel
- c. \$ _____ Cost of investigation to «AGENCY_DESC»

Signed in open court on this the _____ day of «MM_YY».

Circuit Court Judge