

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER NO.: 4.909-2/19\*

IN RE: DRIVING WHILE LICENSE  
SUSPENDED COURT (DUS)

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In order to assist individuals trying to regain their driver's license while they pay their fines and court costs, all citations issued for "driving while license suspended" will be assigned to a specialized diversion court (DUS Court). Law Enforcement has agreed to provide individuals qualifying for DUS court with a Uniform Traffic Citation requiring the defendant to appear to DUS Court.

**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. All "driving while license suspended" cases, except those which resulted from Driving Under the Influence or certain other serious offenses which carry a statutory license suspension as part of the sentence, shall be assigned to division "DUS".
2. Cases assigned to the Central Courthouse shall be scheduled on Thursdays beginning at 1:30 p.m. **in Courtroom 1 at the Criminal Justice Complex located on Gun Club Road**. The Clerk of Court shall provide each law enforcement agency with a time frame to stagger the docket flow.
3. Cases assigned to the North County region shall be scheduled on Wednesdays at 1:30 p.m. Cases assigned to the South County region shall be scheduled on Tuesdays at 8:30 a.m. Cases assigned to the West County region shall be scheduled on Thursdays at 9:00 a.m.
4. The Offices of the State Attorney and Public Defender for the Fifteenth Judicial Circuit of Florida have agreed to this diversion court as evidenced by a Stipulation, a copy of which is attached as Exhibit "A". Private defense counsel and counsel with the Office of Criminal Conflict and Civil Regional Counsel may file a motion to transfer qualifying cases to the DUS Division.

5. **County Court Cases:** A County Court Judge who presides over the DUS docket may address concurrent traffic infractions and county criminal cases (any court financial obligations) for purposes of case disposal regarding costs.
6. **Circuit Cases:** Unless a standing order retaining jurisdiction over felony court costs is entered by a Circuit Judge, the County Court Judge presiding over the DUS docket is vested with the authority of a Circuit Judge to modify a felony court cost order that affects the DUS defendant's ability to reinstate his or her driver's license.
7. The Clerk of Court shall forward to the Administrative County Criminal Judge, or any other person designated by the Chief Judge, any DUS motions and/or correspondence filed by a defendant that has not been assigned to the DUS division. The Administrative Judge will either rule on the motion/correspondence in chambers or schedule a hearing on same.

He **DONE** and **SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this day of February, 2019.

A handwritten signature in cursive script that reads "Krista Marx". The signature is written in black ink on a light-colored background.

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Krista Marx  
Chief Judge

\*supersedes admin. order 4.909-10/17

## DUS DIVERSION COURT STIPULATION

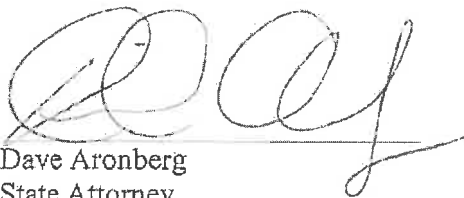
The Office of the State Attorney, Fifteenth Judicial Circuit, by and through the undersigned State Attorney and the Office of the Public Defender, Fifteenth Judicial Circuit, by and through the undersigned Public Defender, stipulate as follows:

- 1) At arraignment, Driving under Suspension cases will be reviewed for eligibility into the DUS diversion court. The Public Defender or private defense attorney will look up the status of the drivers license in court and speak with the State Attorney as to whether the defendant is eligible for diversion.
- 2) The following is a list of eligible DUS cases:
  1. Unpaid Infractions
  2. Child support
  3. Financial responsibility/Insurance/Judgments
  4. Points suspensions
  5. Noncurrent 893 suspensions
  6. Noncurrent DUI suspensions
  7. Noncurrent HTO suspensions
- 3) The following is a list of non-eligible cases:
  1. Felony DUS cases
  2. Cases involving crashes
  3. Current 893 suspensions
  4. Felony DUI, DUI involving accidents, and current DUI suspensions
  5. Current HTO suspensions
  6. Permanent suspensions
- 4) The procedure for non-eligible cases will remain unchanged.
- 5) If eligible and participating in the program, the defendant will waive speedy trial and sign a deferred prosecution agreement. The defendant may be allowed up to 3 months to obtain a valid license. The SAO will not be required to turn over discovery on these cases while the defendant is in the diversion program. The defendant will be assessed \$50.00 cost of prosecution.

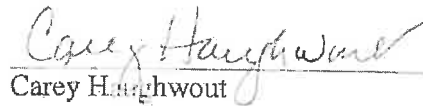
Exhibit A

- 6) At the conclusion of the time allotted for the deferred prosecution, if the defendant has been in compliance, has committed no new criminal law violations, and obtained a valid drivers license, the state will Nolle Prose the case.
- 7) As a part of this pilot project, a new A.O. will issue to give the DUS diversion judge concurrent jurisdiction over PBC infractions. Additionally, the A.O. will provide the DUS diversion judge with concurrent jurisdiction over PBC criminal cases for purposes of case disposal regarding costs.
- 8) After 3 months, if the defendant is unable to obtain a lawful permit or a valid driver's license, the defendant has the option to enter into a Plea and Pass Agreement. The case will be passed for sentencing for 6 months. At sentencing, if the defendant has obtained a valid driver's license, the State will vacate the defendant's plea and enter a Nolle Prose.
- 9) Both the State Attorney and Public Defender may withdraw from this stipulation at any time.

This stipulation is hereby entered into this 29 day of March, 2016.



Dave Aronberg  
State Attorney  
15<sup>th</sup> Judicial Circuit



Carey Houghwout  
Public Defender  
15<sup>th</sup> Judicial Circuit