

**BROWARD COUNTY 17<sup>TH</sup> JUDICIAL CIRCUIT COURT**  
**PRE-TRIAL INTERVENTION GUIDELINES**

The following sets forth revised policy, procedure and minimum eligibility requirements for obtaining State Attorney Office approval for the entry of an applicant into the Felony Pre-Trial Intervention Program supervised by the Department of Corrections in this circuit.

1. APPLICATION

Application for entry into the P.T.I. Program can be emailed to [FelonyPTI@sao17.state.fl.us](mailto:FelonyPTI@sao17.state.fl.us) or dropped off directly to the SAO Felony Pre-Trial Intervention Program, 201 S.E. 6<sup>th</sup> Street, Suite 655, Fort Lauderdale, FL 33301 on or before the forty-fifth (45<sup>th</sup>) day from the arraignment of the applicant. Applications to PTI will not be accepted if the defense has taken the depositions of state witnesses or otherwise pursued substantive defenses. Application forms can be found at [www.sao17.state.fl.us/diversion-programs](http://www.sao17.state.fl.us/diversion-programs) and then hitting the “click here” under Felony Pre-Trial Intervention (PTI) heading .

2. RESIDENCY

The applicant must be a bona fide resident of Broward County, Florida for no less than six (6) months if living with parent(s), spouse or legal guardian(s) at the time of the application; otherwise the Applicant must be a bona fide resident for twelve (12) months at the time of the application. If the applicant is a similarly qualified bona fide resident of another jurisdiction having a P.T.I. Program or a similar diversionary program acceptable to the Department of Corrections, Pre-Trial Intervention Program, Broward County, Florida, and this other program is willing to supervise the Applicant should he/she be accepted into the Program, this above requirement will be waived.

3. PAST ADULT OFFENSE HISTORY

The Applicant must have no prior adult felony convictions and no more than one (1) prior conviction for a non-violent misdemeanor or no more than two (2) misdemeanor arrests. Applicants with a prior felony arrest will be reviewed on a case by case basis.

4. PAST JUVENILE OFFENSE HISTORY

If an Applicant is twenty-five (25) years or less and possesses a juvenile record of criminal offenses indicative of disregard for the criminal laws, in the opinion of the State Attorney’s Office, the Applicant may be disqualified for entry into the Program for reason of this record.

5. OFFENSE

The criminal offense for which the Applicant has been arrested or charged must be a NON-VIOLENT third degree felony. The State Attorney’s Office reserves the option to preclude any entry into PTI based on the circumstances of the offense. The following categories of offenses, even though non-violent third degree felonies will AUTOMATICALLY PRECLUDE consideration and State Attorney’s Office consent for entry into the program.

- a. Multiple charge/count situations {two (2) or more charges/counts} where the charges/counts arise out of separate factual circumstances and criminal transactions;
- b. Sale or delivery of any controlled substance prohibited by Chapter 893, Florida Statute;

- c. Possession of any quantity of heroin, methamphetamine or L.S.D., PVP as these substances are defined in Chapter 893, Florida Statutes;
- d. Possession of more than one-half gram of cocaine or greater as prohibited by Chapter 893, Florida Statutes;
- e. Possession of any drug prohibited by Chapter 893, Florida Statutes that is inconsistent with personal use.
- f. All third degree felonies defined in Chapter 849, Florida Statutes, relating to Gambling;
- g. All third degree felonies defined in Chapter 790, Florida Statutes, relating to Weapons and Firearms;
- h. All third degree felonies defined in Chapter 796, Florida Statutes, relating to Prostitution;
- i. All third degree felonies where the actual loss to the victim exceeds the monetary amount of \$5,000.00, unless the victim specifically consents to the entry of the individual if the restitution amount exceeds \$5,000.00 and it appears that the amount of restitution can be repaid within the twelve (12) month period of P.T.I. supervision.
- j. All third degree felonies charged by indictment;
- k. All third degree felonies involving abuse of a minor child;
- l. Possession of anti-shoplifting control device
- m. Attempted residential Burglary
- n. Offenses involving vending, forging or counterfeiting private labels

6. CONSENT OF VICTIM(S)/ARRESTING OFFICER(S) REQUIRED

The victim(s) of the offense for which the Applicant was arrested/charged, and the arresting officer(s), must consent in writing to the Applicant participating in the P.T.I. Program. However, in the case of an arresting officer refusing to consent, a reason for this refusal must be given for the review of the State Attorney's Office. A refusal by an arresting officer based on his/her disbelief in the Pre-Trial Intervention Program will not be acceptable.

7. RESTITUTION REQUIRED

If a person or persons, including an Insurance carrier, suffered monetary loss which can be determined without controversy as a direct result of the commission of the offense for which the Applicant was arrested/charged, the Applicant must be ready, willing and able to make full restitution to such person or persons, including Insurance carriers, and such restitution shall be made a specific condition of the Applicant's satisfactory completion of the Program.

8. WAIVER OF RIGHTS REQUIRED

If an individual desires to be considered for entry into the Program, upon applying for entry into the Program and prior to any further processing of such application, the Applicant must voluntarily, knowingly and intelligently execute a document to be provided that he/she has been fully advised of his/her Constitutional Rights, including, but not limited to the right to remain silent regarding the facts and circumstances related to the offense for which the applicant has been arrested/charged and that the Applicant has waived the right to a Speedy Trial on the said offense for the period of time required for a final decision regarding the Application. In the event the Applicant is accepted into the Program, the Applicant shall waive his/her right to a Speedy Trial until the Applicant is terminated from the program, whether satisfactorily or unsatisfactorily. If at the time of applying for entry into the program the Applicant has an attorney representing him/her in connection with the offense for which he/she was arrested/charged, said attorney shall be required to confirm that he/she has also advised the Applicant of these same rights.

9. SWORN STATEMENT REQUIRED

The Applicant must provide to the P.T.I. Program a signed and sworn typed statement relating the facts and circumstance of the offense for which the Applicant has been arrested/charged. If the factual statement so provided does not contain facts indicative of knowledge or conduct on the part of the Applicant consistent with guilty, factually or legally, in the opinion of the State Attorney's Office, this Office will not consent to the Applicant's entry into the Program. If the Applicant is not accepted into the Program, for any reason, the statement so provided will not be used as evidence against the Applicant in the State's case, in the event of trial on the charges; however, the statement MAY be used in the event of a trial on the charges where the accused testifies as rebuttal evidence in the nature of impeachment. If the Applicant is accepted into the Program and subsequently unsatisfactorily terminated from the Program such statement MAY be used as evidence in the State's case at the prosecutor's discretion, in the event of a trial on the charge for which the Applicant applied for entry into the Program.

10. SPECIAL CONDITIONS TO ENTRY

- a. If, in the opinion of the P.T.I. Program Staff Supervisors, the Applicant is in need of special counseling, the Applicant must agree to participate in such counseling programs as a specific condition of his/her satisfactory completion of the Program.
- b. The P.T.I. Program Staff Supervisors may require the Applicant to attend programs designed to provide self-improvement education or may require the Applicant to perform up to forty (40) hours of Community Service as a specific condition of his/her satisfactory completion of the Program. If the Applicant is not willing to accept such a condition, the Applicant will not be accepted into the Program.