

**IN THE CIRCUIT COURT  
OF THE FIFTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER NUMBER A-2017-55**

**ADMINISTRATIVE ORDER IMPLEMENTING  
AN ALTERNATIVE SANCTION PROGRAM  
IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT**

**WHEREAS**, Florida Statute 948.06(h) provides that the Chief Judge, in consultation with the State Attorney, the Public Defender, and the Department of Corrections, may establish an alternative sanctioning program, in which the Department, after receiving court approval, may enforce specified sanctions for certain technical violations of supervision; and

**WHEREAS**, there is a substantial number of technical violations of probation that do not involve a new arrest or other serious violation; and,

**WHEREAS**, arresting and incarcerating certain non-violent offenders for minor violations of probation or community control is both expensive and nonproductive; and,

**WHEREAS**, there is research to support that recidivism may be reduced by utilizing collaborative efforts among the courts, probation and law enforcement to hold the offender accountable and apply swift and certain sanctions for technical violations of probation or community control; and

**WHEREAS**, an administrative option for processing technical violations will have the potential to offer benefits including:

- Reducing the court docket of probation and community control violation hearings;
- Reducing the workload of prosecutors and defense attorneys involved with many technical violation hearings;
- Reducing law enforcement resources required to serve violation warrants for certain

technical violations;

- Reducing jail population for offenders pending violation hearings; and
- Offering the offender an alternative to a violation hearing in court, which will allow the offender to remain engaged in employment, school, treatment, etc. and allow the offender to take immediate responsibility for their actions and comply with the consequences of those actions.

**NOW, THEREFORE**, by the power vested in the Chief Judge under Article V, section 2(d), Florida Constitution; sections 43.26 and 948.06(l)(h), Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is

**ORDERED AND ADJUDGED** as follows:

**1. ALTERNATIVE SANCTIONING PROGRAM.** There is created in the Fifth Judicial Circuit a program that shall be known as the Felony Alternative Sanctioning Program in accordance with s. 948.06(1)(h), F.S. The Alternative Sanctioning Program provides the Court and the Florida Department of Corrections (DOC) an alternative, administrative method of reporting and resolving certain technical violations of probation and/or community control in lieu of submitting violation of probation affidavits and warrants to the court.

**2. ELIGIBILITY CRITERIA.** To be eligible for the program, offenders must have been placed on probation or community control under the supervision of the Department of Corrections by a judge in a county within the Fifth Circuit, have stable community ties, and have a stable residence in the county in which they were sentenced.

Offenders who are eligible for the program include probation offenders, drug offenders, and community control supervision offenders. The program only applies to offenders who have committed certain technical violations addressed in the Alternative Sanctioning Program Violation/Sanction Matrix included in section (3) of this order. The threat an offender poses to public

safety is the most important factor in determining eligibility. Offenders with a lengthy or violent criminal history and sex offenders, are not eligible to be in the program. Additionally, offenders who have new law violations, are absconders, or have violated a "no contact" condition of supervision are not eligible for the program. No offender who has two or more previous violations is eligible for the program.

### **3. QUALIFYING TECHNICAL VIOLATIONS AND APPROVED SANCTIONS.**

The attached matrix lists the specific technical violations that may be addressed through the Alternative Sanctioning Program process for offenders who were sentenced in all counties in the Fifth Judicial Circuit. Each technical violation includes a list of sanctions determined and approved by the Court for the probation officer to select from when reporting these technical violations, based on the individual offender's circumstances at the time of the violation.

### **4. PROCESS FOR REPORTING TECHNICAL VIOLATIONS.**

A. The probation or community control officer shall inform offenders who have committed violations enumerated in Section 3 of this Administrative Order that they may participate in the Alternative Sanctioning Program for administrative disposition of the violation. No offender is required to participate in the Alternative Sanctioning Program and may instead opt for a formal violation of probation or community control proceeding in Circuit Court. The offender's participation in the Alternative Sanctioning Program is voluntary. The offender may elect to waive or discontinue participation in the Alternative Sanctioning Program at any time before the issuance of a court order imposing the recommended sanction. If the offender elects to discontinue participation in the Alternative Sanctioning Program, the offender's prior admission to the technical violation may not be used as evidence in subsequent proceedings.

B. If the offender admits the violation, agrees to accept the administrative sanction recommended by the probation officer, and agrees to waive all rights associated with a formal violation hearing to modify



the sentence, the probation officer will prepare an "Alternative Sanctioning Program Technical Violation Notification," "Offender's Waiver of Formal VOP/VOCC Hearing, Admission of Violation and Acceptance of Sanctions" (DC3-2027) form, which will provide details of the circumstances of the technical violation that occurred and the probation officer's recommended sanction, based on the sanctions listed in the approved matrix, and will prepare a Criminal and Supervision History summary for the offender, (a template for which is attached) which shall be signed and dated by the probation officer and supervisor.

Offenders agreeing to participate in the Alternative Sanctioning Program agree to waive the right to:

1. Be represented by legal counsel,
2. Require the state to prove their guilt before a neutral and detached hearing body,
3. Subpoena witnesses and present to a judge evidence in their defense.
4. Confront and cross-examine witnesses, and
5. Receive a written statement from a fact finder as to the evidence relied on and the reasons for the sanctions imposed.

If the offender agrees to participate in the Alternative Sanctioning Program, they will sign the second section of the DC3-2027 form titled " Offender's Waiver of Formal VOP/VOCC Hearing, Admission of Violation, and Acceptance of Sanctions", which will be submitted to the Court once the probation officer and supervisor sign and date the form.


C. The judge shall review the "Alternative Sanctioning Program Technical Violation Notification and Offender's Waiver of Formal VOP/VOCC Hearing, Admission of Violation and Acceptance of Sanctions" (DC3-2027) form submitted, and the offender's ASP Criminal and Supervision History summary and, if the judge agrees that the technical violation should be addressed via the Alternative Sanctioning Program and agrees with the recommended sanction, the

judge will sign the "Order - Alternative Sanctions Program". If the judge does not agree with the particular sanction recommended by the officer or does not agree that the technical violation should be addressed via the Alternative Sanctioning Program, the judge shall enter further instructions on the order.

D. Upon court approval, the probation officer will instruct the offender on the sanction imposed by the court and instruct the offender to take actions necessary to ensure the sanction is executed immediately. Failure to complete the imposed sanction as instructed will result in a violation report, affidavit and warrant being submitted to the court.

**5. ADMINISTRATION AND EFFECTIVE DATE.** The Alternative Sanctioning Program shall be administered by the Florida Department of Corrections and the provisions of this Order shall take effect on January 1, 2018.

**DONE AND ORDERED** at Ocala, Marion County, Florida, this 30th day of November 2017.



**S. SUE ROBBINS  
CHIEF JUDGE  
FIFTH JUDICIAL CIRCUIT**

**FIFTH JUDICIAL CIRCUIT – CIRCUIT COURT  
ALTERNATIVE SANCTIONS PROGRAM  
VIOLATION/SANCTION MATRIX**

<b>VIOLATION</b>	<b>APPROVED LIST OF SANCTIONS</b>
Condition (1): Reported to PO late; failed to report as instructed	<ol style="list-style-type: none"> <li>1. Weekly call in to PO for 4 weeks</li> <li>2. Report 2X a month to PO for 8 weeks</li> <li>3. Attend and successfully complete Thinking for a Change (T4C) program through FDC-Cognitive Behavior Program</li> <li>4. Additional 10 hours of Community Service work within 60 days.</li> </ol>
Condition (3): Failed to report changes in residence or employment without procuring the Officer's consent (or failing to notify the Officer if evicted from residence or laid off from employment).	<ol style="list-style-type: none"> <li>1. Weekly call in to PO for 4 weeks</li> <li>2. Twice a month office reporting to PO for 3 months</li> <li>3. Weekly reporting to PO for 4 weeks</li> <li>4. Additional 10 hours of Community Service work within 60 days</li> </ol>
Condition (3): Failed to request permission prior to leaving the county	<ol style="list-style-type: none"> <li>1. Weekly call in to PO for 4 weeks</li> <li>2. Twice a month office reporting for 8 weeks</li> <li>3. Weekly reporting to PO for 4 weeks</li> </ol>
Condition (6) Found to be associating with person(s) engaged in criminal activity	<ol style="list-style-type: none"> <li>1. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by PO for treatment and work purposes)</li> <li>2. Twice a month office reporting to PO for 60 days</li> <li>3. Weekly call in to PO for 4 weeks</li> <li>4. Additional 10 hours of Community Service work within 60 days</li> <li>5. Attend a GED program if deemed appropriate by PO</li> <li>6. Attend a vocational program if deemed appropriate by PO</li> <li>7. Attend/Participate in 3 sessions with FDC Employment Specialist</li> </ol>
Condition (7): Positive drug test for non-prescribed drugs (first occurrence)	<ol style="list-style-type: none"> <li>1. Drug evaluation and successfully complete treatment if deemed necessary by a qualified therapist</li> <li>2. Increase level of treatment program up to and including residential</li> </ol>



	<ol style="list-style-type: none"> <li>3. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by PO for treatment and work purposes)</li> <li>4. Attend and successfully complete Thinking for a Change (T4C) program through FDC-Cognitive Behavior Program</li> </ol>
Condition (8): Failure to maintain employment	<ol style="list-style-type: none"> <li>1. Weekly reporting to PO with Job Search logs until employed</li> <li>2. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by PO for treatment and work purposes)</li> <li>3. Attend/Participate in 3 sessions with FDC Employment Specialist</li> <li>4. Attend a GED program if deemed appropriate by PO</li> <li>5. Attend a vocational program if deemed appropriate by PO</li> </ol>
Condition (9): Failure to comply with Officer's instructions (depending on nature of instruction and reason for non-compliance will vary)	<ol style="list-style-type: none"> <li>1. Weekly call in to PO for 4 weeks</li> <li>2. Additional 10 hours of Community Service work within 60 days.</li> <li>3. If employment related, participate in 3 sessions with FDC Employment Specialist</li> <li>4. Attend and successfully complete Thinking for a Change (T4C) program through FDC-Cognitive Behavior Program</li> </ol>
Condition (10): Failure to pay monthly monetary obligations as stipulated by the Court	<ol style="list-style-type: none"> <li>1. If unemployed-daily job search and submit documentation to PO each weekly</li> <li>2. If employed, attend a budgeting class</li> <li>3. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by PO for treatment and work purposes)</li> <li>4. Weekly call in to PO until monetary obligations are current</li> <li>5. Attend/Participate in 3 sessions with FDC Employment Specialist</li> </ol>
Condition (11): Failure to submit to random testing as directed	<ol style="list-style-type: none"> <li>1. Weekly reporting to PO by 11:00 A.M. with dates and times to be determined by PO for 4 weeks</li> </ol>

	<ol style="list-style-type: none"> <li>2. Reporting 3 times per week to PO by 11:00 A.M. with dates and times to be determined by PO for 4 weeks</li> <li>3. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by PO for treatment and work purposes)</li> <li>4. Substance abuse evaluation and any recommended treatment by a qualified therapist</li> <li>5. Attend and successfully complete Thinking for a Change (T4C) program through FDC-Cognitive Behavior Program</li> </ol>
Special Condition (1): Failure to attend treatment evaluation or treatment session as scheduled	<ol style="list-style-type: none"> <li>1. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by PO for treatment and work purposes)</li> <li>2. Weekly reporting to PO until evaluation is completed with dates and times to be determined by PO</li> <li>3. Daily call in to PO until evaluation is completed</li> <li>4. Attend and successfully complete Thinking for a Change (T4C) program through FDC-Cognitive Behavior Program</li> </ol>
Special Condition (8): Failure to complete community service hours as instructed	<ol style="list-style-type: none"> <li>1. Daily call in to PO until community service hours are current, if unemployed</li> <li>2. Weekly call in to PO until community service hours are completed</li> <li>3. Attend and successfully complete Thinking for a Change (T4C) program through FDC-Cognitive Behavior Program</li> </ol>
Special Condition (9) Failure to remain at residence during curfew period	<ol style="list-style-type: none"> <li>1. Electronic Monitoring for 30 days</li> <li>2. Weekly reporting to PO for 4 weeks with dates and times to be determined by the PO</li> </ol>





FLORIDA  
DEPARTMENT of  
CORRECTIONS

Governor

**RICK SCOTT**

Secretary

**JULIE L. JONES**

501 South Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

Date

Honorable

Offender:

DC#:

Dear Judge \_\_\_\_\_

Docket No.

The following is a summary of the above offender's Criminal and Supervision History:

**CRIMINAL HISTORY:**

Offense Date	Offense	City/State/Case Number	Disposition/date
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**SUPERVISION HISTORY:**

Supervision Start Date	Offense	City/State/Case Number	Type/length of Supervision	Outcome
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\_\_\_\_\_  
Officer Signature/Date

\_\_\_\_\_  
Supervisor Approval/Signature/Date