

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2018-047 PA/PI-CIR

**RE: ALTERNATIVE SANCTIONS PROGRAM**

Administrative Order 2016-057 PA/PI-CIR established an Alternative Sanctions Program (“ASP”) in Pinellas and Pasco Counties through collaboration between the Sixth Judicial Circuit (“the Court”) and the Florida Department of Corrections (“DOC”). To update the criteria for participation in the program, the Administrative Order must be updated.

In accordance with Article V, section 2, Florida Constitution, Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes, it is

**ORDERED:**

1. The purpose of the ASP is to reduce recidivism and the significant resources expended to prosecute technical violations of probation by creating an administrative option for processing these violations that provides for immediate and court-approved sanctions.
2. Participation in the ASP is limited to offenders who:
  - a. were sentenced to felony probation in Pasco or Pinellas County;
  - b. have stable ties to the community;
  - c. have committed a qualifying technical violation as outlined in the Alternative Sanction Program Violations/Sanction Matrix, which is Attachment A to this Administrative Order; and
  - d. is not an offender described in paragraph 3 of this Administrative Order.
3. An offender may not participate in the ASP if, in his or her underlying case, the offender:
  - a. was designated a career offender;
  - b. was designated a sexual offender or sexual predator;
  - c. committed any new law violations of probation;
  - d. is an absconder; or
  - e. violated a “no contact” condition of supervision.
4. DOC will identify offenders eligible for the ASP through their Correctional Probation Officers (“Probation Officer”). The Probation Officer will inform these offenders of their eligibility.
5. Participating in the ASP is voluntary. An offender must decide whether or not to participate in the ASP prior to the filing of an affidavit of violation of probation. For eligible

offenders who decline to participate in the ASP, the affidavit of violation of probation will be filed with the Clerk of the Circuit Court and they will proceed to formal violation of probation proceedings in Circuit Court. For eligible offenders who elect to participate in the ASP, the Technical Violation Notification form, which is part of Attachment B to this Administrative Order, must be completed by the Probation Officer and submitted to the Court. The Probation Officer must use the matrix in Attachment A when completing the Technical Violation Notification form.

6. For any offender who decides to participate in the ASP, the Probation Officer and the offender must complete the “Alternative Sanctions Program Waiver of Formal VOP Hearing, Admission of Violation, and Acceptance of Sanctions” form, which is part of Attachment B to this Administrative Order, and submit it to the Court. By agreeing to proceed in the ASP, the offender waives the right to an evidentiary hearing on the violation of probation, including any determination that the violation was willful and substantial. If the offender chooses to participate in the ASP, the offender must admit the violation, accept the administrative sanction(s) recommended by the Probation Officer, and waive his/her right to a formal violation of probation proceeding in Circuit Court. The offender also must waive his/her right to appeal the sanction(s) imposed under the ASP unless the sanction(s) is/are illegal under State or Federal law.

7. Whether the ASP program is appropriate for a certain technical violation or an eligible offender is within the Court’s discretion. While the Probation Officer makes the initial determination of eligibility, judicial approval is required to participate in the ASP. In addition, the sanction(s) selected by the Probation Officer is/are within the Court’s discretion. Thus, the judge shall review the Notification and Waiver Form (Attachment B) and, if the judge agrees that the ASP is appropriate for the technical violation and the eligible offender and that the sanction(s) is/are appropriate, the judge will so indicate on an order in the format of the Order on Alternative Sanctions Program form, which is Attachment C to this Administrative Order. If the judge does not agree that the ASP program or the sanction(s) recommended by the Probation Officer is/are appropriate, the judge will so indicate on the order.

8. Upon Court approval, the Probation Officer will instruct the offender on the sanction(s) imposed by the Court and instruct the offender to take actions necessary to ensure the sanction(s) is/are executed immediately. If the offender fails to complete the imposed sanction(s), the Probation Officer must submit a violation report, affidavit, and warrant to the Court.

9. DOC will administer the ASP including compiling statistics, maintaining the necessary documents to demonstrate compliance with any funding requirements, and performing other case management functions as the Court requires.

10. Attachments to this Administrative Order may be modified without further changes to this Administrative Order.

Administrative Order 2016-058 PI-CIR is hereby rescinded.

**DONE AND ORDERED** in Chambers, at St. Petersburg, Pinellas County, Florida this \_\_\_\_\_ day of September, 2018.

ORIGINAL SIGNED ON SEPTEMBER 7, 2018  
BY ANTHONY RONDOLINO, CHIEF JUDGE

- Attachment A: Alternative Sanctions Program Violation/Sanction Matrix  
Attachment B: Alternative Sanctions Program Technical Violation Notification and  
Offender's Waiver of Formal VOP Hearing, Admission of Violation, and  
Acceptance of Sanctions  
Attachment C: Order on Alternative Sanctions Program

cc: All Judges  
The Honorable Bernie McCabe, State Attorney  
The Honorable Bob Dillinger, Public Defender  
The Honorable Paula S. O'Neil, Clerk of the Circuit Court, Pasco County  
The Honorable Chris Nocco, Pasco County Sheriff  
Gay Inskeep, Trial Courts Administrator  
Ita M. Neymotin, Regional Counsel, Second District  
Ngozi Acholonu, Assistant Regional Counsel  
Lillian Simon, Director Administrative Services, Pasco County  
Ngozi Acholonu, Assistant Regional Counsel  
Julie L. Jones, Secretary, Florida Department of Corrections  
Bar Associations, Pasco and Pinellas Counties  
Law Libraries, Pasco and Pinellas Counties