

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2024-032
(Supersedes Administrative Order S-2016-019)**

ALTERNATIVE SANCTIONING PROGRAM

A substantial number of technical violations of probation or community control do not involve a new arrest or other serious violations. Arresting and incarcerating certain non-violent offenders for minor violations of probation or community control is both expensive and nonproductive. Research shows that recidivism may be reduced by utilizing collaborative efforts among the courts, Department of Corrections, and law enforcement to hold the offender accountable and apply swift and certain sanctions for technical violations of probation or community control.

An administrative option for processing technical violations will have the potential to:

- Reduce the court docket of probation and community control violation hearings;
- Reduce the workload of prosecutors and defense attorneys involved with many technical violation hearings;
- Reduce law enforcement resources required to serve violation warrants for certain technical violations;
- Reduce jail population for offenders pending violation hearings; and
- Offer offenders an alternative to violation hearings in court which will allow offenders to remain engaged in employment, school, and treatment and also allow offenders to take immediate responsibility for their actions and comply with the consequences of those actions.

The Florida Legislature recognizes the value of an alternative sanctioning program for technical violations of probation and community control and has authorized trial court chief judges to establish a local alternative sanctioning program via administrative order. §948.06(9)(a), Fla. Stat. An alternative sanctioning program has operated in this circuit since 2016 and it is necessary to update

certain provisions of the Alternative Sanctioning Program Violation / Sanction Matrix.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; sections 43.26 and 948.06(a)(h), Florida Statutes; and Florida Rule of General Practice and Judicial Administration 2.215(b)(2), it is ORDERED:

1. Alternative Sanctioning Program

Created in 2016, the Alternative Sanctioning Program in Hillsborough County continues in operation in accordance with section 948.06(h), Florida Statutes.

2. Eligibility

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 Hillsborough County, have stable community ties, and have a stable residence in Florida. 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 technical violations addressed in the Alternative Sanctioning Program Violation / Sanction Matrix (Matrix) included in section 3 of this administrative 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, including 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 three or more previous violations is eligible for the program.

3. Qualifying Technical Violations and Approved Sanctions

The following Matrix lists the specific technical violations that may be addressed through the Alternative Sanctioning Program for offenders who were sentenced in Hillsborough County, Florida. Each technical violation includes a list of sanctions determined and approved by the court for the probation or community control officer

to select from when reporting these technical violations, based on the individual offender's circumstances at the time of the violation.

VIOLATION	APPROVED LIST OF SANCTIONS
Condition (1): Reported late; failed to report as instructed	<ol style="list-style-type: none"> 1. Report 2 times a month for 60 days 2. Re-Entry/Employment Specialist evaluation and successfully complete as determined necessary 3. Weekly report for 45 days 4. Additional 25 hours of community service work 5. Complete Thinking for a Change (T4C)- Cognitive Behavioral Program
Condition (3): Failed to report changes in residence or employment without first procuring the officer's consent (or notifying immediately if evicted from residence or laid off from job)	<ol style="list-style-type: none"> 1. Report 2 times a month for 60 days 2. Re-Entry/Employment Specialist evaluation and successfully complete as determined necessary 3. Weekly report for 45 days 4. Additional 25 hours of community service work 5. Complete Thinking for a Change (T4C)- Cognitive Behavioral Program
Condition (6): Found to be associating with person(s) engaged in criminal activity	<ol style="list-style-type: none"> 1. Additional 25 hours of community service work 2. Re-Entry/Employment Specialist evaluation and successfully complete as determined necessary 3. Curfew from 8:00 p.m. to 6:00 a.m. for 90 days (can be modified by probation officer for treatment or work purposes.)

	4. Complete Thinking for a Change (T4C)- Cognitive Behavioral Program
Condition (7): Positive drug test for non-prescribed drugs (first occurrence)	<ol style="list-style-type: none"> 1. Drug evaluation and successfully complete treatment determined necessary 2. Increase level of treatment program up to and including residential 3. Curfew from 8:00 p.m. to 6:00 a.m. for 60 days (can be modified by probation officer for treatment/work purposes.) 4. Complete Thinking for a Change (T4C)- Cognitive Behavioral Program 5. AA/NA – 1 time week for 60 days
Condition (7): Positive drug test for non-prescribed drugs (second occurrence)	<ol style="list-style-type: none"> 1. Drug evaluation and successfully complete treatment determined necessary 2. Increase level of treatment program up to and including residential 3. AA/NA – 2 times per week for 60 days 4. Curfew from 8:00 p.m. to 6:00 a.m. for 120 days (can be modified by probation officer for treatment/work purposes.) 5. Additional 50 hours of community service work 6. Complete Thinking for a Change (T4C)- Cognitive Behavioral Program
Condition (8): Failure to maintain employment	<ol style="list-style-type: none"> 1. Re-Entry/Employment Specialist evaluation and successfully complete as determined necessary

	<ol style="list-style-type: none"> 2. Weekly reporting- Job Search Log with 20 jobs per week until employed 3. Daily reporting- Job Search Log with 5 jobs per day until employed 4. Additional 25 hours of community service work 5. Complete Thinking for a Change (T4C)- Cognitive Behavioral Program
Condition (10): Failure to pay restitution or court costs	<ol style="list-style-type: none"> 1. If unemployed – daily job search 2. Re-Entry/Employment Specialist evaluation and successfully complete as determined necessary 3. Additional 25 hours of community service work 4. Extend probation 6 months or automatic termination upon completion of all conditions. 5. Complete Thinking for a Change (T4C)- Cognitive Behavioral Program
Condition (11): Failure to submit to random testing as directed	<ol style="list-style-type: none"> 1. Drug evaluation and successfully complete treatment determined necessary 2. Increase level of treatment program up to and including residential 3. AA/NA – 1 time week for 60 days 4. Curfew from 8:00 p.m. to 6:00 a.m. for 60 days (can be modified by probation officer for treatment/work purposes.) 5. Complete Thinking for a Change (T4C)- Cognitive Behavioral Program

	6. Additional 25 hours of community service work
Special Condition (1): Failure to attend treatment evaluation or treatment session as scheduled	<ol style="list-style-type: none"> 1. Weekly reporting until evaluation is completed 2. Daily call in until evaluation is completed 3. Re-Entry/Employment Specialist evaluation and successfully complete as determined necessary 4. Additional 25 hours of community service work 5. Complete Thinking for a Change (T4C)- Cognitive Behavioral Program
Special Condition (8): Failure to complete community service hours as instructed	<ol style="list-style-type: none"> 1. Weekly reporting until community service hours are completed 2. Re-Entry/Employment Specialist evaluation and successfully complete as determined necessary 3. Additional 25 hours of community service work 4. Complete Thinking for a Change (T4C)- Cognitive Behavioral Program
Special Condition (9): Failure to remain at residence during curfew period	<ol style="list-style-type: none"> 1. Re-Entry/Employment Specialist evaluation and successfully complete as determined necessary 2. Additional 25 hours of community service work 3. GPS tracking with FDC for 90 days at own expense 4. Complete Thinking for a Change (T4C)- Cognitive Behavioral Program
Community Control Condition (16): Failure to maintain approved schedule or unapproved absence from	<ol style="list-style-type: none"> 1. Weekly call in for 6 weeks 2. Report 2 times a week for 60 days

required location (negligence in getting home late, stopping at store on way home without permission)	3. Complete Thinking for a Change (T4C)- Cognitive Behavioral Program 4. GPS tracking with FDC for 90 days at own expense.
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4. Alternative Sanctioning Program Process

A. Defendant's Choice

The probation or community control officer will inform eligible 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.

B. Notification and Waiver

If the offender admits the violation, agrees to accept the administrative sanction(s) recommended by the probation or community control officer, and agrees to waive all rights associated with a formal violation hearing, the probation or community control officer will complete the first page of an *Alternative Sanctioning Program Technical Violation Notification & Offender's Waiver of Formal VOP / VOCC Hearing, Admission of Violation, and Acceptance of Sanction(s)* form (Notification & Waiver form). This Notification & Waiver form – attached to this administrative order as Attachment "A" – will provide the circumstances of the technical violation that occurred and the probation or community control officer's recommended sanction(s) based on the sanctions listed in the Matrix. If the offender agrees to participate in the Alternative Sanctioning Program, the offender will sign the second page of the Notification & Waiver form, which will be submitted to the court after the probation or community control officer and supervisor signs and dates the form.

C. Judicial Action

The judge will review the Notification & Waiver form and, if the judge agrees that the technical violation should be addressed via the Alternative Sanctioning Program and agrees with the recommended sanction(s), the judge will check off and sign an Order Approving

Alternative Sanctioning 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 will check off and sign an Order Rejecting Alternative Sanctioning Program. A form *Order Approving or Rejecting Alternative Sanctioning Program* is attached to this administrative order as Attachment "B."

D. Sanctions

Upon court approval, the probation or community control officer will instruct the offender on the sanction(s) imposed by the court and instruct the offender to take actions necessary to ensure any sanction imposed is timely completed. Failure to timely complete the imposed sanction(s) as instructed will result in a violation report, affidavit and warrant being submitted to the court. In accordance with section 948.06(1)(h), Florida Statutes, an offender's prior admission to the technical violation may not be used as evidence in subsequent violation proceedings.

5. Administration

The Alternative Sanctioning Program will be administered by the Thirteenth Judicial Circuit Court and the Florida Department of Corrections.

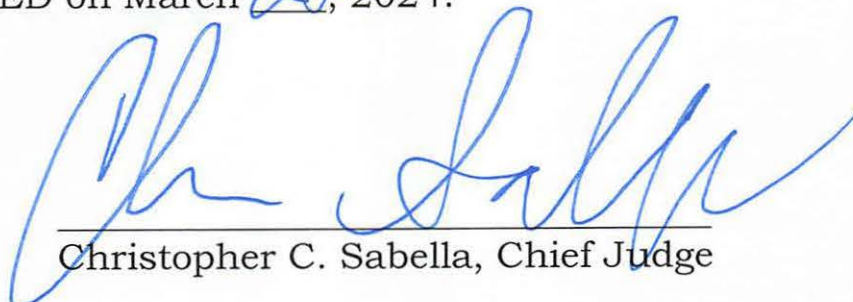
6. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2016-019 (*Alternative Sanctioning Program*).

7. Effective Date

This administrative order is effective April 1, 2024.

ENTERED on March 20th, 2024.



Christopher C. Sabella, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court
Copy: All Circuit Criminal Division Judges
Susan "Suzy" Lopez, State Attorney
Julianne Holt, Public Defender
Patrick Barrentine, Department of Corrections

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CRIMINAL DIVISION

STATE OF FLORIDA,

CASE NO.:

v.

DIVISION:

DEFENDANT

**ALTERNATIVE SANCTIONING PROGRAM
NOTIFICATION OF TECHNICAL VIOLATION**

Original Charge: _____

Term of Supervision: _____ to _____

Date of Violation(s): _____

☐ First or ☐ Second Violation

Technical violation that occurred: _____

Recommended Sanctions to be Imposed in the Discretion of the Court:

Signature of Probation Officer

Date

Printed Name of Probation Officer
Officer

Telephone Number of Probation

Supervisor Signature

Date

**OFFENDER'S WAIVER
OF FORMAL VOP / VOCC HEARING, ADMISSION OF
VIOLATION, AND ACCEPTANCE OF SANCTION(S)**

By signing below, I understand that I have the right to a formal violation of probation hearing before the Court and I agree to waive this right. I also agree to waive the rights to: (1) be represented by legal counsel; (2) to have counsel appointed for me; (3) subpoena witnesses and present evidence in my defense; (4) see and hear witnesses testify and confront and cross-examine witnesses against me; and (5) receive a written statement from a factfinder as to the evidence relied on and the reasons for the sanction(s) imposed.

I also acknowledge that I am aware of the right to contest and appeal any order entered by the Court modifying my sentence, and hereby waive this right to appeal all matters except the legality of my sentence. No one has coerced me, pressured me, made any threats against me, or promised me anything to convince me to give up these rights.

I am agreeing to voluntarily participate in the Alternative Sanctioning Program. I am admitting to the technical violation(s) of probation listed above with the understanding that I will be required to complete the additional sanction(s) listed above as part of my probation.

I further understand that if I fail to complete the additional sanction(s) within the time specified, a formal violation of probation report, affidavit, and warrant will be forwarded to the court and these documents may be introduced into evidence at a subsequent hearing to establish the violation(s).

I understand that if the court determines I have violated my probation, I may be sentenced as authorized by law.

I understand the court reserves the right to accept or reject my request to participate in the Alternative Sanctioning Program.

Signature of Offender

Date

Printed Name of Offender

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CRIMINAL DIVISION

STATE OF FLORIDA,

CASE NO.:

v.

DIVISION:

DEFENDANT

**ORDER ☐ APPROVING or ☐ REJECTING [check one]
ALTERNATIVE SANCTIONING PROGRAM**

It appears that the defendant has materially violated one or more conditions of probation or community control but has not committed a new criminal offense and is otherwise eligible to participate in the Alternative Sanctioning Program. The Court has reviewed the Alternative Sanctioning Program's Notification & Waiver form, a copy of which is attached, and the Court

- ☐ Approves the sanction(s) selected. Accordingly, it is ORDERED:
1. As a condition of the defendant's supervision, the defendant shall complete the sanction(s) selected.
 2. The Department of Corrections is directed to forward a violation of probation/community control report and warrant to the Court in the event the defendant fails to satisfactorily complete the sanction(s) selected.

OR

☐ Rejects the use of the Alternative Sanctioning Program. Accordingly, the Department of Corrections is directed to submit a Violation Report, Affidavit and Warrant to address this alleged violation.

It is ORDERED on _____, 20_____.

Circuit Court Judge

ATTACHMENT "B"