

IN THE CIRCUIT COURT OF
THE EIGHTEENTH JUDICIAL
CIRCUIT OF FLORIDA,
SEMINOLE COUNTY

**ADMINISTRATIVE ORDER NO. :
07-06-S**

IN RE: CRIMINAL - ADULT CONSEQUENCE PROGRAM

Whereas, the number of offenders under community supervision has increase substantially in the past year; and,

Whereas, the number of violations of probation/community control warrants has increased as a result; and,

Whereas, a substantial number of these violations do not involve a new criminal offense or other serious violations; and,

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

Whereas, the Department of Corrections and the Sheriff of Seminole County have agreed to sanction certain non-violent offenders who commit minor violations administratively;

NOW, THEREFORE, IT IS ADJUDGED:

1. There is created in Seminole County a program that shall be known as the Adult Consequence Program.
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 Seminole County, have stable community ties, and have a stable residence in Seminole County, 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. 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 for the program. Additionally, offenders who have new law violations, are absconders, are in a residential drug treatment program, or have violated a "no contact" condition of supervision are not eligible for the program. No offender is eligible for the program who has two or more previous violations.

3. **QUALIFYING VIOLATIONS:** Offenders who are alleged to have committed one or more of the following violations may qualify for the program:
 - A. Condition (1): Reporting late but not more than 1 regular business day after the scheduled appointment with probation officer.
 - B. Condition (2): Failing to pay cost of supervision, or being delinquent, but not less than 90 days prior to termination of sentence.
 - C. Condition (6): Offenders found to be associating with someone engaging in criminal activity.
 - D. Condition (7): Testing positive for the presence of marijuana or cocaine in a presumptive office drug screening, or admitting the use of these drugs. (First time positives only)
 - E. Condition (8): Offenders unable to find or maintain full-time employment, but who are willing to make an effort to do so.
 - F. Condition (9): Offenders failing to comply with officer's instructions.
 - G. Condition (H): Offenders failing to make first appointment scheduled for drug/alcohol evaluation.
 - H. Condition (T): Failing to complete letter of apology within time frame ordered by the Court.
 - I. Condition (U): Failing to complete monthly requirement of community service hours ordered by the Court.
 - J. Condition (A): Failing to pay the monthly amount established by the court for court costs and

fines.

- K. Condition (C): Failing to pay the monthly amount of restitution established by the court.
- L. Special Condition (GG): Exclusionary zone violation.
- M. Community Control Condition (2): Offenders who commit minor residence violations such as: returning home late from work, school or an absence which was previously approved by the community control officer.

4. **PROCEDURE:**

- A. The probation or community control officer shall inform offenders who have committed first or second violations enumerated in paragraph 2 that they may elect to be referred to the Adult Consequence Program for administrative discipline. No offender is required to accept a referral to the Adult Consequence Program and may reject the referral in favor of a formal violation of probation or community control proceeding in Circuit Court. Offenders who do not elect to participate in the Adult Consequences Program will be given an order to appear to answer to the violation after a formal affidavit of violation of probation is filed with the court. A warrant will not be issued by the court unless the offender fails to appear as directed by the order to appear.
- B. If the offender agrees to accept the administrative consequence(s) provided by the program, a signed, written waiver of formal violation proceedings and agreement to accept the consequence(s) must be submitted to the Court for filing in the court file along with the Technical Violation Notification letter/form order referring the offender for adult consequences. If the offender declines to accept administrative consequences, the supervising officer shall submit a violation affidavit, report, and warrant. The report shall plainly state that the offender was offered and declined adult consequences and an

order to appear should be issued in lieu of a warrant.

- C. The assigned judge shall review the Technical Violation Notification letter/form submitted and, if the offender is to be referred for adult consequences, shall file the Technical Violation Notification letter/form in the court file and issue the order referring the defendant for adult consequences. The officer assigned to supervise the offender and that officer's immediate supervisor shall agree as to the appropriate consequence(s).
 - D. The assigned probation officer shall provide the Sheriff with a written notice when adult consequences have been satisfied. The assigned probation officer shall notify the Sheriff if an offender fails to complete the consequences as directed and shall submit a violation of probation affidavit, warrant and report to the court. The offender may be taken into custody to answer to the violation.
5. **AVAILABLE CONSEQUENCE:** The following sanction(s) may be imposed upon offenders who elect to accept the Adult Consequence Program in lieu of a formal violation of probation or community control:
- A. Up to 24 hours of community service to be completed within 30 days from the date the sanction was imposed.
 - B. Report on Tuesday and Thursday for drug screens for up to 6 consecutive weeks to begin 14 days after the positive test result is received, or 14 days from the date the offender admitted to last using the substance. The offender must submit to a drug/ alcohol evaluation and successfully complete any treatment as recommended.
 - C. Place the offender in the EMPACT Monitoring program for up to 15 days and pay the daily cost of the monitor.
 - D. Require the offender to report every Monday for drug testing for up to 4 consecutive weeks.
 - E. Require the offender to report every Monday and

produce employment sheets for up to 4 consecutive weeks.

F. Require the offender to submit to a drug evaluation through TASC within 30 days and complete any recommended treatment.

G. Require the offender to pay \$15.00 per hour for each hour of delinquent community service. The amount must be paid within 60 days to First Step of the Eighteenth Judicial Circuit, Inc. The amount may be in lieu of completion of public service hours or in addition to them.

6. **ADMINISTRATION:** The Adult Consequences Program shall be administered by the Seminole County Sheriff or his designee. The Sheriff or his designee will be responsible for maintaining records of all participants in the program and provide a quarterly report to the Administrative Judge of the Criminal Division.

DONE AND ORDERED this 12th day of January, 2007.

TONYA RAINWATER
TONYA RAINWATER
CHIEF JUDGE

DISTRIBUTION:

All Circuit and County Judges (Seminole County)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
State Attorney (Seminole County)
Public Defender (Seminole County)
Sheriff (Seminole County)
Bar Association (Seminole County)
Law Library (Seminole County)
Department of Corrections