

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

ADMINISTRATIVE ORDER NO. 2016-010 PA/PI-CIR

RE: VIOLATIONS OF FELONY PROBATION OR COMMUNITY CONTROL

Administrative Order 2007-081 PA/PI-CIR was enacted to specify the types of violations of probation that are to be reported by a technical violation letter or Notice to Appear in accordance with section 948.06, Florida Statutes, and to direct that these violations be submitted to the judge assigned to section Q or the assigned section judge. It has become necessary in the interests of judicial efficiency to close section Q, and these procedures must be updated.

In order to ensure that technical notification letters and Notices to Appear are to be submitted to the assigned section judge, and 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 Department of Corrections (“DOC”) may report alleged violations of probation or community control by a technical notification letter or by affidavit and a Notice to Appear when the offender:

- a. failed to report to the probation officer as directed,
- b. failed to be truthful to the probation officer,
- c. failed to follow instructions of the probation officer,
- d. failed to obtain permission prior to moving from an approved residence,
- e. failed to obtain permission prior to leaving approved employment,
- f. failed to comply with the terms of curfew,
- g. failed to obtain permission prior to leaving the county,
- h. failed to make restitution payments,
- i. failed to pay court costs under a payment plan,
- j. failed to perform required community service, or
- k. committed an ordinance violation.

2. The DOC may report alleged violations of probation or community control by submitting an affidavit and proposed Notice to Appear when the offender:

- a. has positive results of a drug screen, or
- b. has committed a second degree misdemeanor.

3. A technical notification letter or affidavit and Notice to Appear is to be submitted to the assigned section judge.

For a technical notification letter, if the judge agrees that the alleged violation does not require action by the court, the technical notification letter shall be forwarded to the Clerk of the Circuit Court for filing in the court file. If the judge determines that the alleged violation

requires court review, then the judge shall return the letter to the DOC with a directive to promptly submit an affidavit so that the court may either issue a Notice to Appear or a warrant.

If an affidavit and proposed Notice to Appear is submitted but the judge determines that the alleged violation requires arrest of the offender, the judge shall return the Notice to Appear to the DOC with a directive to promptly submit a warrant.

4. The DOC shall report all other alleged violations of probation or community control by submitting an affidavit and warrant. The affidavit and warrant is to be submitted to the assigned section judge.

5. When the DOC submits an affidavit regarding a person alleged to have violated probation or community control the DOC shall:

- a. Indicate whether the DOC seeks a warrant for the arrest of the offender or is requesting the Court to issue a Notice to Appear.
- b. Indicate whether the offender has ever been convicted of committing or is currently alleged to have committed a qualifying offense as defined in section 948.06, Florida Statutes.

6. If the DOC requests a Notice to Appear, the DOC may also request that the date of the hearing be set after the next scheduled appointment with the offender. When the Court signs a Notice to Appear, the Court shall set a date for a hearing on the violation. The DOC is to provide notice to the offender. The attached form Notice to Appear in Attachment A may be used.

When a Notice to Appear is to be issued, the DOC shall submit an original and four (4) copies to the Court. The Court shall sign the original and provide the original to the Clerk, two copies to the DOC, one copy to the State Attorney, and one copy to the Public Defender.

7. If the DOC is unable to provide notice to an offender of the hearing date, the DOC shall prepare a warrant for the offender's arrest.

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

Administrative Order 2007-081 PA/PI-CIR is hereby rescinded.

DONE AND ORDERED in Chambers, at St. Petersburg, Pinellas County, Florida this _____ day of March, 2016.

ORIGINAL SIGNED ON MARCH 1, 2016
BY ANTHONY RONDOLINO, CHIEF JUDGE

Attachment A: Notice to Appear

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 Ken Burke, Clerk of the Circuit Court, Pinellas County
Gay Inskeep, Trial Courts Administrator
Julie L. Jones, Secretary, Florida Department of Corrections
Ngozi Acholonu, Assistant Regional Counsel
Kimberly Collins, Director of Criminal Courts, Pasco County Clerk's Office
Lillian Simon, Director of Administrative Services for Pasco County
Pinellas Information Technology Office
Bar Associations, Pasco and Pinellas
Law Libraries, Pasco and Pinellas

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PASCO COUNTY
CRIMINAL DIVISION**

STATE OF FLORIDA

v.

Case No.: _____ WS

_____, Defendant

Division: _____

SPN: _____

DOC #: _____

NOTICE TO APPEAR

You are hereby ordered to appear to respond to charges that you violated probation. You are ordered to appear at the West Pasco Judicial Center, 7530 Little Road, Courtroom _____, New Port Richey, Florida on _____, 20__ at _____ am / pm.

Failure to appear for the above-referenced hearing will result in a warrant being issued for your arrest for an alleged violation of probation.

TO BE COMPLETED BY THE DEPARTMENT OF CORRECTIONS: Date: _____

The above offender is not a Violent Felony Offender of Special Concern. _____
Probation Officers Signature

Date

Judge's Signature

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Public Information Dept., Pasco County Government Center, 7530 Little Road, New Port Richey, FL 34654; (727) 847-8110 (V) for proceedings in New Port Richey; (352) 521-4274, ext. 8110 (V) for proceedings in Dade City at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Distribution: Original: Clerk • First & Second Copy: DOC • Third Copy: State Attorney • Fourth Copy: Public Defender

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PASCO COUNTY
CRIMINAL DIVISION**

STATE OF FLORIDA

v. Case No.: _____ ES
_____, Defendant Division: _____

SPN: _____

DOC #: _____

NOTICE TO APPEAR

You are hereby ordered to appear to respond to charges that you violated probation. You are ordered to appear at the Robert D. Sumner Judicial Center, 38053 Live Oak Avenue, Courtroom _____, Dade City, Florida on _____, 20__ at _____ am / pm.

Failure to appear for the above-referenced hearing will result in a warrant being issued for your arrest for an alleged violation of probation.

TO BE COMPLETED BY THE DEPARTMENT OF CORRECTIONS: Date: _____

The above offender is not a Violent Felony Offender of Special Concern. _____
Probation Officers Signature

Date

Judge's Signature

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Public Information Dept., Pasco County Government Center, 7530 Little Road, New Port Richey, FL 34654; (727) 847-8110 (V) for proceedings in New Port Richey; (352) 521-4274, ext. 8110 (V) for proceedings in Dade City at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Distribution: Original: Clerk • First & Second Copy: DOC • Third Copy: State Attorney • Fourth Copy: Public Defender

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PINELLAS COUNTY
CRIMINAL DIVISION**

STATE OF FLORIDA

v. Case No.: _____

_____, Defendant Division: _____

PID: _____

DOC #: _____

NOTICE TO APPEAR

You are hereby ordered to appear to respond to charges that you violated probation. You are ordered to appear at the Pinellas County Justice Center at 14250 49th Street North, Courtroom _____, Clearwater, Florida, on _____, 20__ at _____ am / pm.

Failure to appear for the above-referenced hearing will result in a warrant being issued for your arrest for an alleged violation of probation.

TO BE COMPLETED BY THE DEPARTMENT OF CORRECTIONS: Date: _____

The above offender is not a Violent Felony Offender of Special Concern. _____
Probation Officers Signature

Date

Judge's Signature

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Suite 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Distribution: Original: Clerk • First & Second Copy: DOC • Third Copy: State Attorney • Fourth Copy: Public Defender