

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

ADMINISTRATIVE ORDER NO. 2021-032 PA/PI-CIR

RE: JUVENILE ALTERNATIVE SANCTIONS

Florida Statutes section 985.435 defines juvenile probation administered by the Florida Department of Juvenile Justice (“DJJ”). Part of the probation program includes an alternative consequences program for juvenile probation violations under section 985.439(4), Florida Statutes, for juveniles as ordered by the Court. In addition, section 985.565, Florida Statutes, allows a juvenile who is tried in adult court, to be sentenced to juvenile sanctions including a juvenile probation program. This alternative consequence component to the juvenile probation program will address instances in which a child is noncompliant with technical conditions of his or her supervision but has not committed any new violations of the law under section 985.435(4), Florida Statutes.

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

ORDERED:

1. The Sixth Judicial Circuit, DJJ, the State Attorney’s Office, and the Public Defender’s Office have agreed on alternative consequences when a juvenile who is sentenced to juvenile sanctions has technical violations of his or her probation which do not constitute a new violation of a law. The agreed upon alternative consequences are attached as a matrix in Attachment A.

2. Technical violations of probation may be addressed by DJJ in accordance with Attachment A. The juvenile is notified that DJJ may impose the listed consequences for the violations of probation or supervision without further order of the Court. If the juvenile disagrees with the consequences, the juvenile is entitled to a hearing before the court which sentenced the juvenile to juvenile sanctions. When a child is sentenced to juvenile sanctions in adult court, any further proceedings involving those sanctions shall continue to be heard in adult court.

3. DJJ shall file a petition alleging a violation of any condition of the juvenile sanctions not included in Attachment A, and may file a petition alleging a violation of any condition of probation, conditional release, or supervision, even if specified in Attachment A.

4. DJJ will compile statistics and perform other case management functions as the Court requires.

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

DONE AND ORDERED in Chambers, at St. Petersburg, Pinellas County, Florida this
_____ day of August, 2021.

ORIGINAL SIGNED ON AUGUST 23, 2021
BY ANTHONY RONDOLINO, CHIEF JUDGE

Attachment A: Alternative Consequences Component for Juvenile Technical VOP Offenses

cc: All Judges
The Honorable Bruce Bartlett, State Attorney
The Honorable Sara Mollo, Public Defender
The Honorable Nikki Alvarez-Sowles, Clerk of the Circuit Court, Pasco County
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
Gay Inskeep, Trial Courts Administrator
Ita M. Neymotin, Regional Counsel, Second District
Ngozi Acholonu, Assistant Regional Counsel
Michele Emmerman, Director of Administrative Services, Pasco County
Kimberly Thompson, Chief Operations Manager, Pasco County Clerk's Office
John Milla, General Counsel, Florida Department of Juvenile Justice
Patrick Barrentine, Circuit Administrator, Department of Corrections, Pasco and Pinellas
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties

**Alternative Consequences
Component for Juvenile Technical VOP Offenses**

Type of Violation	Use Alternative Consequences	VOP
CURFEW VIOLATIONS		
Violation of court ordered curfew	Fewer than 3 curfew violations – use available consequences below	3 or more curfew violations
Available consequences	<ul style="list-style-type: none"> -Community restorative justice service hours (2-15) -Letter(s) of apology -More restrictive curfew -Increase reporting to JPO office/reporting center for specified period of time to submit documentation on completion of assigned tasks 	VOP
SCHOOL VIOLATIONS		
Unexcused absences	Fewer than 3 unexcused absences – use available consequences below	3 or more unexcused absences
Disciplinary referrals or suspensions	<p>Fewer than 3 disciplinary referrals or suspensions for child not subject to an IEP – use available consequences below</p> <p>*The JPO may exercise discretion for a child in an IEP program</p>	<p>3 or more disciplinary referrals or suspensions for a child not subject to an IEP</p> <p>*The JPO may exercise discretion for a child in an IEP program</p>
Available consequences	<ul style="list-style-type: none"> -Community restorative justice service hours (2-15) -Letter(s) of apology -More restrictive curfew -Increase reporting to JPO office/reporting center for specified period of time to submit documentation on completion of assigned tasks -Complete written assignment -Complete art project -Supply weekly school attendance report from school administration -Create plan to address school success and improvement of grades -Complete college campus tour and create 1-5 year education plan -Complete research on potential occupations -Assign time(s) to report to JPO office/reporting center to complete assignments 	VOP

**Alternative Consequences
Component for Juvenile Technical VOP Offenses**

HOME VIOLATIONS		
Leaving home without permission	Fewer than 3 times leaving home without permission - use available consequences below	3 or more times leaving home without permission
Available consequences	-Community restorative justice service hours (2-15) -Letter(s) of apology -More restrictive curfew -Increase reporting to JPO office/reporting center for specified period of time to submit documentation on completion of assigned tasks -Assign time(s) to report to JPO office/reporting center to complete assignments	VOP
NO CONTACT VIOLATIONS		
Contact with codefendants OR known gang members	Fewer than 3 times associating with unauthorized person(s) - use available consequences below	3 or more times associating with unauthorized person(s)
Available consequences	-Community restorative justice service hours (2-15) -More restrictive curfew -Increase reporting to JPO office/reporting center for specified period of time to submit documentation on completion of assigned tasks	VOP
Contact with victim	No alternative consequences - MUST VOP	VOP
TREATMENT/ PROGRAM VIOLATIONS		
Failure to attend required treatment appointments, appointments with JPO, or other ordered program requirements	Fewer than 3 instances of failing to comply with treatment or other program appointments or requirements - use available consequences below	3 or more instances of failing to comply with treatment or other program requirements

**Alternative Consequences
Component for Juvenile Technical VOP Offenses**

Available consequences	<ul style="list-style-type: none"> -Community restorative justice service hours (2-15) -Increase reporting to JPO office/reporting center for specified period of time to submit documentation on completion of assigned tasks -Complete written assignment -Letter(s) of apology -Attend a session of drug court 	
DRUG VIOLATIONS		
Failure to pass urinalysis	First instances of failing a urinalysis - use available consequences below	2 or more instances of failing a urinalysis
Available consequences	<ul style="list-style-type: none"> -Referrals to drug treatment -Increase frequency of urinalysis -Attend a session of drug court 	VOP