

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: AUTHORIZATION FOR USE OF
TECHNICAL VIOLATION NOTIFICATION
LETTER

)
)
) ADMINISTRATIVE ORDER
) NO. 3.24
)
)

WHEREAS, in cases in which probation or community control has been imposed, Fla. Stat. § 948.06(1)(e) authorizes the Chief Judge of each circuit to direct the Florida Department of Corrections to use a notification letter of a technical violation in appropriate cases in lieu of a violation report, affidavit, and warrant when the alleged violation is not a new felony or misdemeanor offense;

NOW, THEREFORE, pursuant to the authority prescribed by Fla. R. Jud. Admin. 2.215 (formerly Fla. R. Jud. Admin. 2.050) and for the purpose of promoting the efficient administration of justice within the Twentieth Judicial Circuit, it is **ORDERED** as follows:

1. Within the parameters set forth herein, the Florida Department of Corrections (hereinafter "department") is hereby directed to use a notification letter of a technical violation (hereinafter "notification letter") in appropriate cases in lieu of a violation report, affidavit, and warrant when the alleged violation is not a new felony or misdemeanor offense, and in situations in which the department would not otherwise recommend that probation or community control be revoked or modified.

2. The department is authorized to use a notification letter to report the following violations:

- a. Monetary only violations;
- b. Failure to report or reporting late;

I certify this document to be a true and correct copy of the original on file in my office.
Charlie Green, Clerk, Circuit Court, Lee County, Florida
Dated: 11-07-07
By: M. Buchanan
Deputy Clerk

BY _____ B.C.

2007 NOV -7 PM 2:34

FILED LEE CO. FLORIDA
CLERK OF COURTS

- c. Failure to complete minimum number of Community Service hours ordered;
- d. First positive marijuana or cocaine drug test if not in drug court and if no violent past histories;
- e. Missing first drug test if not in drug court;
- f. First curfew violation if not a sex offender or a violent offender;
- g. First out of place for community control cases if not serious after investigation; and
- h. Other minor violations.

3. All notification letters must affirmatively state that the probationer or offender does not qualify under the "Jessica Lunsford Act," Laws of Florida, Chapter 2005-28, or the "Anti-Murder Act," Laws of Florida, Chapter 2007-02. The department shall not use a notification letter in lieu of a violation report, affidavit, and warrant if the offender qualifies under the "Jessica Lunsford Act" or the "Anti-Murder Act."

4. This Administrative Order is not intended to mandate that the department use a notification letter in those situations in which the department would otherwise recommend that probation or community control be revoked or modified, regardless of the technical nature of the violation. The department and its supervisory officers are most familiar with the circumstances surrounding each probationer or offender and each specific violation and, accordingly, are in the best position to make a determination as to whether the use of a notification letter may be inappropriate in certain situations. Once the department determines that the use of a notification letter is appropriate and within the parameters of this Administrative Order, the individual trial court judge, as a neutral arbiter, is not authorized to unilaterally override that determination and may reasonably rely upon the determination made by the department. The individual trial court judge need not approve nor sign the notification letter.


5. The department shall file the original notification letter directly with the Clerk of Courts. A copy may be provided to the trial court judge.

6. This Administrative Order shall supercede and replace any and all previous directives as it relates to the use of notification letters of a technical violation.

7. The Administrative Judge of each county within the Twentieth Judicial Circuit, upon consultation with the circuit judges in that county, may elect to not implement the use of "notification letters" in that county. The Administrative Judge may do this by providing written notice to the department's circuit administrator, with a copy to the Chief Judge.

8. To the extent that any provision of this Administrative Order may be construed as being in conflict with any law, statute, or rule, the law, statute, or rule shall prevail.

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 7
day of Nov, 2007.



G. Keith Cary
Chief Judge

History. - New.

STATE OF FLORIDA, COUNTY OF LEE,
FILED FOR RECORD
This 7 Day of Nov 2007 Record in Circuit 11
Book 51 Page _____ and Record Verified
CHARLIE GREEN By D. Weiss
Clerk Circuit Court Deputy Clerk