

By Senator Brandes

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1 A bill to be entitled
2 An act relating to alternative sanctioning; amending
3 s. 948.06, F.S.; authorizing the chief judge of each
4 judicial circuit, in consultation with specified
5 entities, to establish an alternative sanctioning
6 program; defining the term "technical violation";
7 requiring the chief judge to issue an administrative
8 order when creating an alternative sanctioning
9 program; specifying requirements for the order;
10 authorizing an offender who allegedly committed a
11 technical violation of supervision to waive
12 participation in or elect to participate in the
13 program, admit to the violation, agree to comply with
14 the recommended sanction, and agree to waive certain
15 rights; requiring the probation officer to submit the
16 recommended sanction and certain documentation to the
17 court if the offender admits to committing the
18 violation; authorizing the court to impose the
19 recommended sanction or direct the Department of
20 Corrections to submit a violation report, affidavit,
21 and warrant to the court; specifying that an
22 offender's participation in an alternative sanctioning
23 program is voluntary; authorizing a probation officer
24 to submit a violation report, affidavit, and warrant
25 to the court in certain circumstances; providing an
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Paragraph (h) of subsection (1) of section
31 948.06, Florida Statutes, is redesignated as paragraph (i), and
32 a new paragraph (h) is added to that subsection, to read:

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33 948.06 Violation of probation or community control;
34 revocation; modification; continuance; failure to pay
35 restitution or cost of supervision.—

36 (1)

37 (h)1. The chief judge of each judicial circuit, in
38 consultation with the state attorney, the public defender, and
39 the department, may establish an alternative sanctioning program
40 in which the department, after receiving court approval, may
41 enforce specified sanctions for certain technical violations of
42 supervision. For purposes of this section, the term "technical
43 violation" means any alleged violation of supervision that is
44 not a new felony offense, misdemeanor offense, or criminal
45 traffic offense.

46 2. To establish an alternative sanctioning program, the
47 chief judge must issue an administrative order specifying:

48 a. Eligibility criteria.

49 b. The technical violations that are eligible for the
50 program.

51 c. The sanctions that may be recommended by a probation
52 officer for each technical violation.

53 d. The process for reporting technical violations through
54 the alternative sanctioning program, including approved forms.

55 3. If an offender is alleged to have committed a technical
56 violation of supervision that is eligible for the program, the
57 offender may:

58 a. Waive participation in the alternative sanctioning
59 program, in which case the probation officer may submit a
60 violation report, affidavit, and warrant to the court in
61 accordance with this section; or

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62 b. Elect to participate in the alternative sanctioning
63 program after receiving written notice of an alleged technical
64 violation and a disclosure of the evidence against the offender,
65 admit to the technical violation, agree to comply with the
66 probation officer's recommended sanction if subsequently ordered
67 by the court, and agree to waive the right to:

68 (I) Be represented by legal counsel.

69 (II) Require the state to prove his or her guilt before a
70 neutral and detached hearing body.

71 (III) Subpoena witnesses and present to a judge evidence in
72 his or her defense.

73 (IV) Confront and cross-examine adverse witnesses.

74 (V) Receive a written statement from a factfinder as to the
75 evidence relied on and the reasons for the sanction imposed.

76 4. If the offender admits to committing the technical
77 violation and agrees with the probation officer's recommended
78 sanction, the probation officer must, before imposing the
79 sanction, submit the recommended sanction to the court as well
80 as documentation reflecting the offender's admission to the
81 technical violation and agreement with the recommended sanction.

82 5. The court may impose the recommended sanction or may
83 direct the department to submit a violation report, affidavit,
84 and warrant to the court in accordance with this section.

85 6. An offender's participation in an alternative
86 sanctioning program is voluntary. The offender may elect to
87 waive or discontinue participation in an alternative sanctioning
88 program at any time before the issuance of a court order
89 imposing the recommended sanction.

90 7. If an offender waives or discontinues participation in

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91 an alternative sanctioning program, the probation officer may
92 submit a violation report, affidavit, and warrant to the court
93 in accordance with this section. The offender's prior admission
94 to the technical violation may not be used as evidence in
95 subsequent proceedings.

96 Section 2. This act shall take effect July 1, 2016.