

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER NO. 2006-22
(Vacates Administrative Order No. 2002-39)**

IN RE: PROBATION

**COUNTY RESIDENTIAL PROBATION PROGRAM
IN ESCAMBIA COUNTY**

WHEREAS, Administrative Order No. 2002-29 established a County Residential Probation Program in Escambia County, and

WHEREAS, it is deemed in the best interest of Escambia County and the Court System to continue its County Residential Probation Program, it is, therefore,

ORDERED that the County Residential Probation Program established under Administrative Order No. 2002-29 will continue in Escambia County. Further, that all administrative regulation and management of defendants within this program shall be directed in accordance with the following:

1. The County Residential Probation Program was established effective June 1, 2002, and shall continue in Escambia County under the authority of §951.231, *Florida Statutes*, and pursuant to this order.
2. Any judge in Escambia County desiring to utilize the County Residential Probation Program shall specify that the defendant serve his/her jail time in the County Residential Probation Program, if eligible, and refer the defendant to the Escambia County Department of Community Corrections for processing. Probation shall not be a requirement for participation in the Escambia County Residential Probation Program.
3. When a defendant is ordered to serve time in the County Residential Probation Program, the Clerk shall prepare and furnish disposition of information to the Escambia County Department of Community Corrections.
4. The date on which a defendant is admitted into the County Residential Program shall be fixed by the Escambia County Department of Community Corrections staff. The Escambia County Department of Community Corrections shall provide supervision of defendants prior to admission into and during admission in the County Residential Probation Program.

5. The Escambia County Department of Community Corrections shall accept each County Residential Probation defendant on a space available basis; however, the Escambia County Department of Community Corrections will not be required to retain any defendant in the program if the participant fails to appear when scheduled or violates any rule or regulation promulgated by the Escambia County Department of Community Corrections.

6. The Escambia County Department of Community Corrections may reject any defendant from the program by notifying the Judge assigned to the case in writing and copying said notice to the Clerk, as soon as possible, but no later than the next business day, that the defendant has been rejected. Upon the Escambia Department of Community Corrections' finding a defendant not qualified, the defendant shall be transferred to the Escambia County Jail to complete his/her sentence.

7. The rules and regulations of the Escambia County Department of Community Corrections require total abstinence from alcohol or drugs for defendants in the County Residential Probation Program. For that reason, all orders utilizing this program shall provide that the defendant will not partake of drugs or alcohol.

8. If it develops that a defendant is not employed or becomes unemployed, the County Residential Probation time shall be converted to straight time and said defendant will be transferred to the County Jail to complete his/her sentence.

9. In the event of conflicting commitments under separate court orders, the commitment for straight time shall take precedence, and the Escambia County Department of Community Corrections shall notify the Court of any conflict.

10. Each defendant on the waiting list will be required to pay a \$25.00 monthly fee to the Escambia County Department of Community Corrections.

11. Each prisoner while housed in the County Residential Probation Program facility shall be required to pay the Escambia County Department of Community Corrections \$20.00 per day, with the first week paid in advance. Thereafter, payment shall be made weekly in advance. In the event of default, privileges of the County Residential Probation Program shall be forfeited. This cost will be in lieu of the \$50.00 per day that is assessed for inmates in the Escambia County Jail.

12. If a County Residential Probation defendant has paid in advance and his/her sentence is converted to straight time, any unearned funds shall be credited toward the \$50.00 per day lien imposed for inmates in the Escambia County Jail. If released from the Escambia County Jail, said unearned funds shall be returned to the defendant.

13. *Florida Statutes* §316.193(6)(b) requires that persons convicted of driving under the influence (DUI) a second time within a period of 5 years after the date of a prior conviction of DUI shall be imprisoned for not less than 10 days and at least 48 hours of that confinement be consecutive.

DONE AND ORDERED at Pensacola, Escambia County, Florida, this 5th day of June, 2006.

Signed by: Kim A. Skievaski, Chief Judge

Copy of Administrative Order No. 2006-22 furnished to:

All Circuit and County Judges, Escambia County
Honorable Ron McNesby, Sheriff, Escambia County
Honorable Ernie L. Magaha, Clerk of Courts, Escambia County
Board of County Commissioners