

ADMINISTRATIVE ORDER
NO. 2018-02

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN
AND FOR ORANGE AND
OSCEOLA COUNTIES, FLORIDA

**ADMINISTRATIVE ORDER REGARDING FIRST STEP, INC. OF
THE NINTH JUDICIAL CIRCUIT, A NON-PROFIT CORPORATION**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, First Step, Inc., a non-profit corporation, has been created and established in the Ninth Judicial Circuit; and

WHEREAS, the primary purpose of such corporation is to assist in the rehabilitation of persons placed on supervised probation within the jurisdiction of the Ninth Judicial Circuit by providing to such persons ancillary services such as, but not limited to, employment, counseling, education, training, and related services, assistance and opportunities; and

WHEREAS, section 948.039(2), Florida Statutes, provides that court determined conditions of probation or community control may include that the offender or probationer in community control “[p]ay not more than \$1 per month during the term of

probation or community control to a nonprofit organization established for the sole purpose of supplementing the rehabilitative efforts of the Department of Corrections;” and

WHEREAS, section 948.039, Florida Statutes, mandates that trial courts impose special conditions of probation by oral pronouncement and written order. Such special conditions include requirements that the offender “[p]ay not more than \$1 per month during the term of probation or community control to a nonprofit organization established for the sole purpose of supplementing the rehabilitative efforts of the Department of Corrections;” and

WHEREAS, in *Velez-Pizzini v. State*, 58 So. 3d 278 (Fla. 5th DCA 2011), the Fifth District Court of Appeal found that First Step of the Fifth Judicial Circuit, Inc. is not only a program as contemplated by section 948.039, Florida Statutes, but also that the costs associated with the program may only be imposed if orally pronounced;

NOW, THEREFORE, I, Frederick J. Lauten, in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order that, **effective immediately** unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent:

1. Each defendant within the Ninth Judicial Circuit sentenced to a term of probation or community control supervision with the Department of Corrections may be ordered to pay the sum of one dollar (\$1.00) per month for each month of supervision. The amount due, up to the first \$36.00, shall be paid within ninety (90) days after the beginning of the probationary sentence. Further payments, if any, shall be paid in

accordance with a schedule to be established by the probation officer, if the offender agrees, or by the court.

2. If the court determines any special terms and conditions of probation or community control, the court shall impose the special terms and conditions by oral pronouncement at sentencing and include the terms and conditions in the written sentencing order.

3. Monies collected pursuant to this Order shall be used for the benefit of those individuals under the supervision of the Department of Corrections, or recently released from the custody of the Department of Corrections, as set forth in the bylaws of First Step Corporation of the Ninth Judicial Circuit. First Step shall also provide assistance to offenders released from the Department of Corrections, who are not on probation or community control, but who return to the Ninth Judicial Circuit.

4. No monies collected pursuant to this Order shall be used for costs of supervision, court costs, fines, or any other court ordered payments, including Collections Court.

DONE AND ORDERED at Orlando, Florida, this 5th day of February, 2018.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
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