

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER NO. A-2021-37**

**RE: ALTERNATIVE SANCTIONS FOR TECHNICAL  
VIOLATIONS OF JUVENILE PROBATION AND INCENTIVES**

**WHEREAS**, Chapter 985, Florida Statutes, was enacted with the intent, in part, to divert children from the traditional juvenile justice system and to provide alternatives to institutionalization; and,

**WHEREAS**, §985.435(4), Florida Statutes, allows a probation program to include **alternative sanctions** for children who are in violation of **certain technical condition(s)** of his or her probation, but who have not committed any new violations of law, as well as **incentives** to encourage the child toward compliant behavior; and,

**WHEREAS**, the use of alternative sanctions and incentives in its juvenile probation program serves the families of the Fifth Judicial Circuit by providing, alternatively, swift and appropriate consequences for certain technical violations without requiring an actual formal violation of juvenile probation proceeding and/or reward for compliant behavior; and,

**WHEREAS**, a juvenile probation program which includes an alternative sanctions component must detail in the disposition order which specific technical violations are subject to alternative sanctions, which alternative sanctions may apply, as well as incentives that may be used to encourage the child toward compliant behavior; and,

**WHEREAS**, the Effective Response Matrix (“ERM”) and Incentives attached hereto are useful tools in determining the availability of alternate sanctions and/or incentives to move the child toward compliant behavior; including specific alternative sanctions for specific technical violations of the conditions of probation, as well as use of incentives to encourage compliant

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behavior and may in the discretion of the Court be utilized in specific situations by the Department of Juvenile Justice (DJJ) or its designee; and,

**WHEREAS**, Article V, § 2(d), Florida Constitution and § 43.26, Florida Statutes, charges the Chief Judge with the authority to promote the prompt and efficient administration of justice in the courts over which he or she is Chief Judge;

**IT IS THEREFORE**

**ORDERED** and **ADJUDGED** administratively as follows:

1. Each dispositional order of probation and/or post-commitment probation in a juvenile case shall make available incentives to encourage compliant behavior and alternative sanctions as determined through use of the Effective Response Matrix ("ERM") as a judicial option for addressing certain technical probation violations. Incentives as attached hereto shall also be available to juvenile probation officers for use to encourage compliant behavior.
2. Each dispositional order of probation and/or post-commitment probation in a juvenile case shall include the following language:

*Violations of certain probation conditions of this order may be addressed by the Department of Juvenile Justice in accordance with the attached Effective Response Matrix (ERM). The child is advised that the Department of Juvenile Justice may impose these consequences for such technical violations without further order of the Court. If the child disagrees with the consequences, the child is entitled to a hearing before this Court. Incentives may also be used to encourage compliant behavior.*

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*The Department of Juvenile Justice shall file a petition alleging a violation of any condition of probation not included in the attached ERM and may file a petition alleging a violation of any condition of probation even if specified in the attached ERM.*

*In the event a violation is alleged but no petition alleging violation is filed, the Department of Juvenile Justice shall file with the Court a Notice of Technical Violation and Intent to Impose Alternative Sanctions with copy to the presiding judge.*

3. Nothing in this order or the language to be included in each of the orders referenced in Paragraph 2 above shall act in any way to divest the presiding judge of discretion to require a formal violation of probation proceeding and to reject any alternative sanctions noticed as intended to be imposed, regardless of the alternative sanction option appearance or availability upon the ERM.

4. This order and the provisions herein are effective September 5, 2021.

**DONE AND ORDERED** in chambers in Brooksville, Hernando County, Florida, this 3<sup>rd</sup> day of September, 2021.



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**DANIEL B. MERRITT, JR**  
**CHIEF JUDGE**  
**FIFTH JUDICIAL CIRCUIT**

## EFFECTIVE RESPONSE MATRIX (ERM)

### ALTERNATIVE SANCTIONS FOR CERTAIN TECHNICAL VOP OFFENSES

<b>Type of Violation</b>	<b>Use Alternative Consequences</b>	<b>VOP</b>
<b>CURFEW VIOLATIONS</b>		
<b>Violation of court ordered curfew.</b>	Fewer than 3 curfew violations - use available consequences below.	3 or more curfew violation.
Available Consequences	<ul style="list-style-type: none"> <li>- Community restorative justice service hours (2-15).</li> <li>- Letter(s) of apology.</li> <li>- More restrictive curfew.</li> <li>- Increase reporting to JPO office/reporting center for specified period of time to submit documentation on completion of assigned tasks.</li> </ul>	VOP
<b>SCHOOL VIOLATIONS</b>		
<b>Unexcused Absences</b>	Fewer than 3 unexcused absences - use available consequences below.	3 or more unexcused absences.
<b>Disciplinary referrals or suspensions.</b>	Fewer than 3 disciplinary referrals or suspensions for child not subject to an IEP - use available consequences below. * The JPO may exercise discretion for a child in an IEP program.	3 or more disciplinary referrals or suspensions for a child not subject to an IEP. * The JPO may exercise discretion for a child in an IEP program.
Available Consequences	<ul style="list-style-type: none"> <li>- Community restorative justice service hours (2-15).</li> <li>- Letter(s) of apology.</li> <li>- More restrictive curfew.</li> <li>- Increase reporting to JPO office/reporting center for specified period of time to submit documentation on completion of assigned tasks.</li> <li>- Complete written assignment.</li> <li>- Complete art project.</li> <li>- Supply weekly school attendance report from school administration.</li> <li>- Create plan to address school success and improvement of grades.</li> <li>- Complete research on potential occupations.</li> <li>- Assign time(s) to report to JPO office/reporting center to complete assignments.</li> </ul>	VOP
<b>HOME VIOLATIONS</b>		
<b>Leaving home without permission.</b>	Fewer than 3 times leaving home without permission - use available consequences below.	3 or more times leaving home without permission.

Available Consequences	<ul style="list-style-type: none"> <li>- Community restorative justice service hours (2-15).</li> <li>- Letter(s) of apology.</li> <li>- More restrictive curfew.</li> <li>- Increase reporting to JPO office/reporting center for specified period of time to submit documentation on completion of assigned tasks.</li> <li>- Assign time(s) to report to JPO office/reporting center to complete assignments.</li> </ul>	VOP
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<b>NO CONTACT VIOLATIONS</b>		
<b>Contact with co-defendants OR known 2an2 members.</b>	Fewer than 3 times associating with unauthorized person(s) - use available consequences below.	3 times associating with unauthorized person(s).
Available Consequences	<ul style="list-style-type: none"> <li>- Community restorative justice service hours (2-15).</li> <li>- More restrictive curfew.</li> <li>- Increase reporting to JPO.</li> </ul>	VOP
<b>Contact with Victim</b>		
	No alternative consequences - MUST VOP	VOP
<b>TREATMENT/ PROGRAM VIOLATIONS</b>		
<b>Failure to attend required treatment appointments, appointments with JPO, or other ordered program requirements.</b>	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.
Available Consequences	<ul style="list-style-type: none"> <li>- Community restorative justice service hours (2-15).</li> <li>- Increase reporting to JPO office/reporting center for specified period of time to submit documentation on completion of assigned tasks.</li> <li>- Complete written assignment.</li> <li>- Letter(s) of apology.</li> <li>- Attend a session of drug court.</li> </ul>	
<b>DRUG VIOLATIONS</b>		
<b>Failure to pass urinalysis.</b>	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"> <li>- Referrals to drug treatment.</li> <li>- Increase frequency of urinalysis.</li> <li>- Attend a session of drug court.</li> </ul>	VOP
	-	Any positive result for anything more than THC

## INCENTIVE PLAN

▪ Gaining employment	▪ Allow attendance at special occasion with the court's approval
▪ 30-90 days of clean drug tests	▪ Verbal praise/recognition
▪ 30-90 days of employment	▪ Letter of recognition
▪ 30-90 days successful EM	▪ Letter of support to Judge
▪ 30-90 days perfect school attendance	▪ Acknowledgement to parent/guardian/school
▪ Completion of counseling/course	▪ Certificate of appreciation
▪ GPA improvement over previous report card	▪ Request early termination
▪ Obtains GED	▪ Reduced contact requirements
▪ Participation in pro-social community activity	▪ Special privileges suggested by youth or parent/guardian
▪ 30-90 days no behavior incidents at school	▪ Release from EM per court order
▪ 30-90 days no behavior incidents at home	▪ "Behavior Change" certificate
▪ 30-90 days mental health stabilization/taking medication as prescribed	▪ Donated gift certificate/gift card
▪ 6 months or more of consistent fee/restitution payments	▪ Other (must specify): _____
▪ Other (must specify): _____	
▪ JPO Notes on Use of Effective Response (optional):	