

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

ADMINISTRATIVE ORDER NO. A-2023-13

**RE: ALTERNATIVE SANCTIONS FOR TECHNICAL VIOLATIONS
OF JUVENILE PROBATION AND
CONDITIONAL RELEASE SUPERVISION**

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; and,

WHEREAS, §985.46, Florida Statutes, allows for supervision of children on conditional release supervision after release from residential commitment, and in recognition that children commit technical violation(s) of conditional release supervision, and may benefit from alternative sanctions if transfer pursuant to §985.441(4) is not deemed necessary; and,

WHEREAS, the use of alternative sanctions in its juvenile probation program and conditional release supervision 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,

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; and,

WHEREAS, the statewide Graduated Response Matrix attached hereto is a useful tool in determining the availability of alternative sanctions and incentives to move the child toward compliant behavior,

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including specific alternative sanctions for specific technical violations of the conditions of probation or conditional release supervision, 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, a child who complies with the terms and conditions of probation or conditional release supervision benefits from non-monetary incentives to motivate the child to continue compliant behavior; 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 disposition order of probation and/or post commitment probation, and each order imposing conditional release following residential commitment, entered in a juvenile case shall make alternative sanctions as determined through use of the Graduated Response Matrix as a judicial option to address certain technical violations. Incentive options 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 and order imposing conditional release in a juvenile case shall include the following language:**

In response to any noncompliance with the technical conditions in this disposition order, the Florida Department of Juvenile Justice may impose alternative consequences commensurate with the seriousness and frequency of noncompliance. Violations of certain probation or conditional release technical conditions may be addressed by the Department of Juvenile Justice in accordance with the attached Graduated

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Response Matrix and shall be based upon the child's assessed risk level. The child is advised that the Department of Juvenile Justice may impose these consequences for such technical violations without further order of the Court.

The Department of Juvenile Justice shall file an affidavit alleging a violation of any condition of probation not included in the attached Graduated Response Matrix, and the Department may file an affidavit alleging a violation of any condition of probation even if the violation is specified in the attached Graduated Response Matrix. The department shall file an Affidavit for Violation of Probation with the court if the youth refuses or fails to comply with the alternative consequences. The department may proceed with a transfer pursuant to §985.441(4) at any time for a child on conditional release.

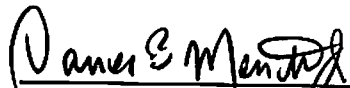
In the event a violation is alleged but no petition alleging violation is filed, the Department of Juvenile Justice shall file with the Court a Notice of Technical Violation and Intent to Impose Alternative Sanctions with copy to the presiding judge.

The Department is authorized to utilize the attached Incentive Options for a child who is compliant with the terms and conditions of probation or conditional release. If the child subsequently becomes noncompliant with the terms and conditions of probation or conditional release, the Department may impose alternative consequences as set forth in the attached Graduated Response Matrix or may file an affidavit for violation of probation or transfer as permitted under §985.441(4).

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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 Graduated Response Matrix.**
4. **This order supersedes Administrative Order Number A-2021-37.**
5. **This order and the provisions herein are effective May 1, 2023.**

**DONE AND ORDERED in chambers in Brooksville,
Hernando County, Florida, this 4th day of May, 2023.**



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



FLORIDA DEPARTMENT OF JUVENILE JUSTICE STATEWIDE GRADUATED RESPONSE MATRIX LOW RISK TO REOFFEND*

SANCTION	LIST 1	LIST 2	VOP
Community Service	Less than 50% of the hours required during the 90-day YES Plan period completed within the 1 st 45 days	Less than 100% of the hours required during the 90-day YES Plan period completed by the end of the period	Less than 50% of the hours required during the <u>next</u> 90-day YES Plan period completed within the 1 st 45 days
Curfew	2 nd missed curfew	3 rd missed curfew	4 th missed curfew
Education - Attendance	2 absences during current semester	3 absences during current semester	4 absences during current semester
Education - Behavior - Out-of-School Suspension (OSS)		1 OSS during current semester	2 OSS during current semester
Education - Behavior - Referral/In-School Suspension (ISS)	2 referrals/ISS during current semester	3 referrals/ISS during current semester	4 referrals/ISS during current semester
Education - Enrollment		Failure to enroll in 1 st 7 days of supervision	Failure to enroll in 1 st 14 days of supervision
Mental Health/Substance Abuse Counseling	2 nd failure to attend/cooperate	3 rd failure to attend/cooperate	4 th failure to attend/cooperate
Mental Health/Substance Abuse Evaluation	1 st failure to schedule/attend appointment	2 nd failure to schedule/attend appointment	3 rd failure to schedule/attend appointment
No Contact - Other	2 nd contact	3 rd contact	4 th contact
No Contact - Victim			Any victim contact
Substance Abuse	1 st positive drug test	2 nd positive drug test	3 rd positive drug test
Other	As outlined in the YES Plan developed with parent/guardian, JPO, and JPOS.		

* If the youth is a **PROLIFIC JUVENILE OFFENDER (PJO)** or has a **FIREARM OFFENSE(S)**, use the matrix for **HIGH RISK TO REOFFEND**, regardless of the youth's actual risk to reoffend.

LIST 1 (SELECT ONE OR MORE)	LIST 2 (SELECT ONE OR MORE)
<p>Meet with parent/guardian and JPO to discuss violation, identify any barriers to compliance, and develop a plan to ensure compliance.</p> <p>Referred for MH/SA evaluation, if appropriate (e.g. new needs identified) and not previously completed, and follow recommendations.</p> <p>JPO increases frequency of contacts for up to 30 days.</p> <p>JPO increases frequency of drug tests for up to 30 days.</p> <p>Curfew reduction of at least one hour for up to 30 days.</p> <p>10-20 hours community service, as determined by JPO, in addition to any court-ordered hours.</p> <p>Referred for mentoring (behavioral), tutoring (academic), or similar service.</p>	<p>Any response shown in LIST 1 that was not previously used as a response for the same noncompliance (i.e. no repeat responses).</p> <p>Participate in multidisciplinary staffing and follow recommendations. <i>[A school representative must be invited for school-related noncompliance.]</i></p> <p>JPO increases frequency of contacts for up to 60 days.</p> <p>JPO increases frequency of drug tests for up to 60 days.</p> <p>Curfew reduction of at least one hour for up to 60 days.</p> <p>Electronic monitoring for up to 30 days.</p> <p>Referred to Redirections, if appropriate.</p> <p>JPO requests judicial review.</p>



**FLORIDA DEPARTMENT OF JUVENILE JUSTICE
STATEWIDE GRADUATED RESPONSE MATRIX
MODERATE RISK TO REOFFEND***

SANCTION	LIST 1	LIST 2	VOP
Community Service	Less than 33% of the hours required during the 90-day YES Plan period completed within the 1 st 30 days	Less than 66% of the hours required during the 90-day YES Plan period completed within the 1 st 60 days	Less than 100% of the hours required during the 90-day YES Plan period completed by the end of the period
Curfew	1 st missed curfew	2 nd missed curfew	3 rd missed curfew
Education - Attendance	2 absences during current semester	3 absences during current semester	4 absences during current semester
Education - Behavior - Out-of-School Suspension (OSS)		1 OSS during current semester	2 OSS during current semester
Education - Behavior - Referral/In-School Suspension (ISS)	2 referrals/ISS during current semester	3 referrals/ISS during current semester	4 referrals/ISS during current semester
Education - Enrollment		Failure to enroll in 1 st 7 days of supervision	Failure to enroll in 1 st 14 days of supervision
Mental Health/Substance Abuse Counseling	1 st failure to attend/cooperate	2 nd failure to attend/cooperate	3 rd failure to attend/cooperate
Mental Health/Substance Abuse Evaluation	1 st failure to schedule/attend appointment	2 nd failure to schedule/attend appointment	3 rd failure to schedule/attend appointment
No Contact - Other	1 st contact	2 nd contact	3 rd contact
No Contact - Victim			Any victim contact
Substance Abuse	1 st positive drug test	2 nd positive drug test	3 rd positive drug test
Other	As outlined in the YES Plan developed with parent/guardian, JPO, and JPOS.		

* If the youth is a **PROLIFIC JUVENILE OFFENDER (PJO)** or has a **FIREARM OFFENSE(S)**, use the matrix for **HIGH RISK TO REOFFEND**, regardless of the youth's actual risk to reoffend.

LIST 1 (SELECT ONE OR MORE)	LIST 2 (SELECT ONE OR MORE)
<p>Meet with parent/guardian and JPO to discuss violation, identify any barriers to compliance, and develop a plan to ensure compliance.</p> <p>Referred for MH/SA evaluation, if appropriate (e.g. new needs identified) and not previously completed, and follow recommendations.</p> <p>JPO increases frequency of contacts for up to 30 days.</p> <p>JPO increases frequency of drug tests for up to 30 days.</p> <p>Curfew reduction of at least one hour for up to 30 days.</p> <p>10-20 hours community service, as determined by JPO, in addition to any court-ordered hours.</p> <p>Referred for mentoring (behavioral), tutoring (academic), or similar service.</p>	<p>Any response shown in LIST 1 that was not previously used as a response for the same noncompliance (i.e. no repeat responses).</p> <p>Participate in multidisciplinary staffing and follow recommendations. <i>[A school representative must be invited for school-related noncompliance.]</i></p> <p>JPO increases frequency of contacts for up to 60 days.</p> <p>JPO increases frequency of drug tests for up to 60 days.</p> <p>Curfew reduction of at least one hour for up to 60 days.</p> <p>Electronic monitoring for up to 30 days.</p> <p>Referred to Redirections, if appropriate.</p> <p>JPO requests judicial review.</p>



FLORIDA DEPARTMENT OF JUVENILE JUSTICE STATEWIDE GRADUATED RESPONSE MATRIX MODERATE-HIGH RISK TO REOFFEND*

SANCTION	LIST 1	LIST 2	VOP
Community Service	Less than 33% of the hours required during the 90-day YES Plan period completed within the 1 st 30 days	Less than 66% of the hours required during the 90-day YES Plan period completed within the 1 st 60 days	Less than 100% of the hours required during the 90-day YES Plan period completed by the end of the period
Curfew		1 st missed curfew	2 nd missed curfew
Education – Attendance	1 absence during current semester	2 absences during current semester	3 absences during current semester
Education – Behavior – Out-of-School Suspension (OSS)			1 OSS during current semester
Education – Behavior – Referral/ In-School Suspension (ISS)	1 referral/ISS during current semester	2 referrals/ISS during current semester	3 referrals/ISS during current semester
Education – Enrollment		Failure to enroll in 1 st 7 days of supervision	Failure to enroll in 1 st 14 days of supervision
Mental Health/Substance Abuse Counseling		1 st failure to attend/ cooperate	2 nd failure to attend/ cooperate
Mental Health/Substance Abuse Evaluation		1 st failure to schedule/ attend appointment	2 nd failure to schedule/ attend appointment
No Contact – Other		1 st contact	2 nd contact
No Contact – Victim			Any victim contact
Substance Abuse		1 st positive drug test	2 nd positive drug test
Other	<i>As outlined in the YES Plan developed with parent/guardian, JPO, and JPOS.</i>		

* If the youth is a **PROLIFIC JUVENILE OFFENDER (PJO)** or has a **FIREARM OFFENSE(S)**, use the matrix for **HIGH RISK TO REOFFEND**, regardless of the youth's actual risk to reoffend.

LIST 1 (SELECT ONE OR MORE)	LIST 2 (SELECT ONE OR MORE)
<p>Meet with parent/guardian and JPO to discuss violation, identify any barriers to compliance, and develop a plan to ensure compliance.</p> <p>Referred for MH/SA evaluation, if appropriate (e.g. new needs identified) and not previously completed, and follow recommendations.</p> <p>JPO increases frequency of contacts for up to 90 days.</p> <p>JPO increases frequency of drug tests for up to 90 days.</p> <p>Curfew reduction of at least one hour for up to 90 days.</p> <p>Electronic monitoring for up to 60 days.</p> <p>Referred to a probation enhancement service or Redirections, if appropriate.</p> <p>Referred for mentoring (behavioral), tutoring (academic), or similar service.</p>	<p>Any response shown in LIST 1 that was not previously used as a response for the same noncompliance (i.e. no repeat responses).</p> <p>Participate in multidisciplinary staffing and follow recommendations. <i>[A school representative must be invited for school-related noncompliance.]</i></p> <p>Intensive supervision for at least 180 days.</p> <p>Electronic monitoring for up to 90 days.</p> <p>JPO requests judicial review.</p>



**FLORIDA DEPARTMENT OF JUVENILE JUSTICE
STATEWIDE GRADUATED RESPONSE MATRIX
HIGH RISK TO REOFFEND, PROLIFIC JUVENILE
OFFENDER (PJO), OR FIREARM OFFENSE(S)**

SANCTION	LIST 1	LIST 2	VOP
Community Service		Less than 50% of the hours required during the 90-day YES Plan period completed within the 1 st 45 days	Less than 100% of the hours required during the 90-day YES Plan period completed by the end of the period
Curfew			1 st missed curfew
Education - Attendance		1 absence during current semester	2 absences during current semester
Education - Behavior - Out-of-School Suspension (OSS)			1 OSS during current semester
Education - Behavior - Referral/In-School Suspension (ISS)		1 referral/ISS during current semester	2 referrals/ISS during current semester
Education - Enrollment		Failure to enroll in 1 st 7 days of supervision	Failure to enroll in 1 st 14 days of supervision
Mental Health/Substance Abuse Counseling		1 st failure to attend/cooperate	2 nd failure to attend/cooperate
Mental Health/Substance Abuse Evaluation		1 st failure to schedule/attend appointment	2 nd failure to schedule/attend appointment
No Contact - Other			1 st contact
No Contact - Victim			Any victim contact
Substance Abuse			1 st positive drug test
Other	<i>As outlined in the YES Plan developed with parent/guardian, JPO, and JPOS.</i>		

LIST 1 (SELECT ONE OR MORE)	LIST 2 (SELECT ONE OR MORE)
<p>Meet with parent/guardian and JPO to discuss violation, identify any barriers to compliance, and develop a plan to ensure compliance.</p> <p>Referred for MH/SA evaluation, if appropriate (e.g. new needs identified) and not previously completed, and follow recommendations.</p> <p>JPO increases frequency of contacts for up to 90 days.</p> <p>JPO increases frequency of drug tests for up to 90 days.</p> <p>Curfew reduction of at least one hour for up to 90 days.</p> <p>Electronic monitoring for up to 60 days.</p> <p>Referred to a probation enhancement service or Redirections, if appropriate.</p> <p>Referred for mentoring (behavioral), tutoring (academic), or similar service.</p>	<p>Any response shown in LIST 1 that was not previously used as a response for the same noncompliance (i.e. no repeat responses).</p> <p>Participate in multidisciplinary staffing and follow recommendations. <i>[A school representative must be invited for school-related noncompliance.]</i></p> <p>Intensive supervision for at least 180 days.</p> <p>Electronic monitoring for up to 90 days.</p> <p>JPO requests judicial review.</p>



FLORIDA DEPARTMENT OF JUVENILE JUSTICE

Ron DeSantis, Governor

Eric S. Hall, Secretary

Notice of Technical Violation and Proposed Alternative Sanction

Date: _____

Honorable Judge _____
_____, County Courthouse
_____, FL

RE: TECHNICAL VIOLATION NOTIFICATION
Youth: _____
DJJ ID # _____
Docket No: _____
Offense: _____
Date Placed on Supervision: _____

Dear Judge,

In accordance with local administrative order authorizing the use of technical violation notification letter to report specific technical violations and proposed alternative sanction, this letter is to notify the court that the above offender is in violation of the condition(s) of supervision noted below. The proposed alternative sanction is below indicated. Please advise below whether you agree with the department's recommendation to impose alternative sanction(s) and to continue supervision with no further action or if you would like additional action or formal violation of juvenile probation proceeding. The department will continue supervision with no further action on this violation unless otherwise directed by the court within fourteen (14) days.

Technical Violation: _____

JPO Comments/Recommendation and proposed Alternative Sanction: _____

Submitted by: _____

JPO Signature/ Date

JPOS Signature/Date

Judges Instructions:

- Alternative Sanction approved and no further action required. Continue to supervise.
- Additional action required- Proceed with formal violation of juvenile probation report and proceedings.
- Other: _____

Judge's Signature/Date: _____

Distribution: Original: Judge
Copy: Clerk
State Attorney's Office
Public Defenders Office
Youth File

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The mission of the Department of Juvenile Justice is to increase public safety by reducing juvenile delinquency through effective prevention, intervention and treatment services that strengthen families and turn around the lives of troubled youth.