

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

Administrative Order Number A-2017-55-A

**AMENDED ADMINISTRATIVE ORDER IMPLEMENTING AN
ALTERNATIVE SANCTION PROGRAM IN THE CIRCUIT COURT OF
THE FIFTH JUDICIAL CIRCUIT
(amended to update the matrix and criminal history form)**

WHEREAS, Section 948.06(1)(h), Florida Statutes provides that the Chief Judge, in consultation with the State Attorney, The Public Defender, and the Department of Corrections, may establish an alternative sanctioning program, in which the Department, after receiving court approval, may enforce specified sanctions for certain technical violations of supervision; and

WHEREAS, there is a substantial number of technical violations that do not involve a new arrest or other serious violations; and,

WHEREAS, arresting and incarcerating certain non-violent offenders for minor violations of probation or community control is both expensive and nonproductive; and,

WHEREAS, there is research to support that recidivism may be reduced by utilizing collaborative efforts among the courts, probation, and law enforcement to hold the offender accountable and apply swift and certain sanctions for technical violations of probation or community control; and

WHEREAS, an administrative option for processing technical violations will have the potential to offer benefits including:

- Reducing the court docket of probation and community control violation hearings;
- Reducing the workload of prosecutors and defense attorneys

- involved with many technical violation hearings;
- Reducing law enforcement resources required to serve violation warrants for certain technical violations;
 - Reducing jail population for offenders pending violation hearings; and
 - Offering the offender an alternative to a violation hearing in court, which will allow the offender to remain engaged in employment, school, treatment, etc. and allow the offender to take immediate responsibility for their actions and comply with the consequences of those actions.

NOW, THEREFORE, by the power vested in the Chief Judge under Article V, section 2(d), Florida Constitution; sections 43.26 and 948.06(1)(h), Florida Statutes; and 2.215 Rules of General Practice and Judicial Administration, it is

ORDERED AND ADJUDGED as follows:

1. **ALTERNATIVE SANCTIONING PROGRAM.** There exists in the Fifth Judicial Circuit a program known as the Felony Alternative Sanctioning Program in accordance with 948.06(1)(h), Florida Statutes, The Alternative Sanctioning Program provides the court and the Florida Department of Corrections (DOC) an alternative, administrative method of reporting and resolving certain technical violations in lieu of submitting violation of probation affidavits and warrants to the court.

2. **ELIGIBILITY CRITERIA.** To be eligible for the program, offenders must have been placed on probation or community control under the supervision of the Department of Corrections by a judge in

a county within the Fifth Circuit, have stable community ties, and have a stable residence in the county in which they sentenced.

Offenders who are eligible for the program include probation offenders, drug offenders, and community control supervision offenders. The program only applies to offenders who have committed certain technical violations as found in the Fifth Judicial Circuit – Circuit Court Alternative Sanctioning Program Violation/Sanction Matrix (“Matrix”) hereto attached. The threat an offender poses to public safety is the most important factor in determining eligibility. Offenders with a lengthy or violent criminal history and sex offenders, are not eligible to be in the program. Additionally, offenders who have new law violations, are absconders, or have violated a "no contact" condition of supervision are not eligible for the program. No offender who has three or more previous violations is eligible for the program.

3. QUALIFYING TECHNICAL VIOLATIONS AND APPROVED SANCTIONS. The Matrix lists the specific technical violations that may be addressed through the Alternative Sanctioning Program process for offenders who were sentenced in all counties in the Fifth Judicial Circuit. Each technical violation includes a list of sanctions determined and approved by the Court for the probation officer to select from when reporting these technical violations, based on the individual offender's circumstances at the time of the violation.

4. PROCESS FOR REPORTING TECHNICAL VIOLATIONS

A. The probation or community control officer shall inform offenders who have committed violations enumerated in section 3 of

this administrative order that they may participate in the Alternative Sanctioning Program for administrative disposition of the violation. No offender is required to participate in the Alternative Sanctioning Program and may instead opt for a formal violation of probation or community control proceeding in Circuit Court. The offender's participation in the Alternative Sanctioning Program is voluntary. The offender may elect to waive or discontinue participation in the Alternative Sanctioning Program at any time before the issuance of a court order imposing the recommended sanction. If the offender elects to discontinue participation in the Alternative Sanctioning Program, the offender's prior admission to the technical violation may not be used as evidence in subsequent proceedings.

B. If the offender admits the violation, agrees to accept the administrative sanction recommended by the probation officer, and agrees to waive all their rights associated with a formal violation hearing to modify their sentence, the probation officer will prepare an "Alternative Sanctioning Program Technical Violation Notification and Offender's Waiver of Formal VOP/VOCC Hearing, Admission of Violation and Acceptance of Sanctions" (DC3-2027) form, which will provide details of the circumstances of the technical violation that occurred and the probation officer's recommended sanction, based on the sanctions listed in the Matrix.

Offenders agreeing to participate in the Alternative Sanctioning Program agree to waive the right to:

1. Be represented by legal counsel,
2. Require the state to prove their guilt before a neutral and

detached hearing body,

3. Subpoena witnesses and present to a judge evidence in their defense.

4. Confront and cross-examine witnesses, and

5. Receive a written statement from a fact finder as to the evidence relied on and the reasons for the sanctions imposed.

If the offender agrees to participate in the Alternative Sanctioning Program, they will sign the second section of the DC3-2027 form titled "Offender's Waiver of Formal VOP/VOCC Hearing, Admission of Violation, and Acceptance of Sanctions," which will be submitted to the Court once the probation officer and supervisor signs and dates the form.

C. The judge shall review the "Alternative Sanctioning Program Technical Violation Notification and Offender's Waiver of Formal VOP/VOCC Hearing, Admission of Violation and Acceptance of Sanctions" (DC3-2027) form submitted and, if the judge agrees that the technical violation should be addressed via the Alternative Sanctioning Program and agrees with the recommended sanction, the judge will sign the "Order - Alternative Sanctions Program". If the judge does not agree with the particular sanction recommended by the officer or does not agree that the technical violation should be addressed via the Alternative Sanctioning Program, the judge shall enter further instructions on the order.

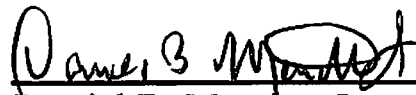
D. Upon court approval, the probation officer will instruct the offender on the sanction imposed by the court and instruct the

offender to take actions necessary to ensure the sanction is executed immediately. Failure to complete the imposed sanction as instructed will result in a violation report, affidavit and warrant being submitted to the court.

5. **ADMINISTRATION.** The Alternative Sanctioning Program shall be administered by the Florida Department of Corrections.

6. **EFFECTIVE DATE.** This order shall take effect on the date that it is signed.

ORDERED at Brooksville, Hernando County, Florida, this 1st day of November 2023.



Daniel B. Merritt, Jr.

Chief Judge, Fifth Judicial Circuit



**FLORIDA
DEPARTMENT of
CORRECTIONS**

Governor
RON DESANTIS

Secretary
MARK S. INCH

501 South Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

Date

Honorable

Offender:

DC#:

Dear Judge _____

Docket No.

The following is a summary of the above offender's Criminal and Supervision History:

CRIMINAL HISTORY:

Offense Date	Offense	City/State/Case Number	Disposition/date
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SUPERVISION HISTORY:

Supervision Start Date	Offense	City/State/Case Number	Type/length of Supervision	Outcome
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Officer Signature/Date

Supervisor Approval/Signature/Date

FIFTH JUDICIAL CIRCUIT - CIRCUIT COURT

ALTERNATIVE SANCTIONS PROGRAM

VIOLATIONS/SANCTIONS MATRIX

VIOLATION	APPROVED LIST OF SANCTIONS
Condition (1): Reported to Probation Officer late; failed to report as instructed	<ol style="list-style-type: none">1. Weekly call in to Probation Officer for 4 weeks.2. Weekly reporting in person to Probation Officer for 4 weeks.3. Report in person twice per month to Probation Officer for 8 weeks.4. Enter, attend, and successfully complete the Thinking for a Change (T4C) program through FDC as directed by the Probation Officer.5. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer.6. Additional 10 hours of community service work as directed by the Probation Officer.
Condition (2): Failed to pay Cost of Supervision (COS)	<ol style="list-style-type: none">1. If unemployed, weekly reporting with proof of job search logs to be submitted to Probation Officer.2. Attend and participate in 3 sessions with the FDC Employment Specialist as directed by the Probation Officer.3. Attend local job fairs as directed by the Probation Officer.4. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer.
Condition (3): Failed to report changes in residence or employment without procuring the Officer's consent (or failing to notify the Officer if evicted from residence or laid off from employment)	<ol style="list-style-type: none">1. Electronic Monitoring for 90 days.2. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by the Probation Officer for treatment and work purposes).

	<ol style="list-style-type: none"> 3. Weekly call in to Probation Officer for 4 weeks. 4. Weekly reporting in person to Probation Officer for 4 weeks. 5. Report in person twice per month to Probation Officer for 8 weeks. 6. Enter, attend, and successfully complete the Thinking for a Change (T4C) program through FDC as directed by the Probation Officer. 7. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer. 8. Additional 10 hours of community service work as directed by the Probation Officer.
<p>Condition (3): Failed to request permission prior to leaving the county</p>	<ol style="list-style-type: none"> 1. Electronic Monitoring for 90 days. 2. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by the Probation Officer for treatment and work purposes). 3. Weekly call in to Probation Officer for 4 weeks. 4. Weekly reporting in person to Probation Officer for 4 weeks. 5. Report in person twice per month to Probation Officer for 8 weeks. 6. Enter, attend, and successfully complete the Thinking for a Change (T4C) program through FDC as directed by the Probation Officer. 7. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer. 8. Additional 10 hours of community service work as directed by the Probation Officer.
<p>Condition (6): Found to be associating with person(s) engaged in criminal activity</p>	<ol style="list-style-type: none"> 1. Electronic Monitoring for 90 days. 2. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by the

	<p>Probation Officer for treatment and work purposes).</p> <ol style="list-style-type: none"> 3. Weekly call in to Probation Officer for 4 weeks. 4. Weekly reporting in person to Probation Officer for 4 weeks. 5. Report in person twice per month to Probation Officer for 8 weeks. 6. Enter, attend, and successfully complete the Thinking for a Change (T4C) program through FDC as directed by the Probation Officer. 7. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer. 8. Additional 10 hours of community service work as directed by the Probation Officer. 9. Attend a GED program as directed by the Probation Officer. 10. Attend a vocational program as directed by the Probation Officer.
<p>Condition (7): Positive drug test for non-prescribed drugs (first occurrence)</p>	<ol style="list-style-type: none"> 1. Substance use evaluation and successfully complete recommended treatment as deemed appropriate by a qualified therapist. 2. Increase level of treatment program up to and including residential treatment. 3. Color code system- call in daily as directed by the Probation Officer (minimum of 2 drug tests per month). 4. Attend 3 AA/NA meetings per week until 90 days after the completion of substance use treatment. 5. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by the Probation Officer for treatment and work purposes). 6. Enter, attend, and successfully complete the Thinking for a Change

	<p>(T4C) program through FDC as directed by the Probation Officer.</p> <p>7. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer.</p>
<p>Condition (8): Failure to maintain employment</p>	<ol style="list-style-type: none"> 1. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by the Probation Officer for treatment and work purposes). 2. Weekly reporting in person with proof of job search logs to be submitted to Probation Officer. 3. Attend and participate in 3 sessions with the FDC Employment Specialist as directed by the Probation Officer. 4. Attend local job fairs as directed by the Probation Officer. 5. Enter, attend, and successfully complete the Thinking for a Change (T4C) program through FDC as directed by the Probation Officer. 6. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer. 7. Attend a GED program as directed by the Probation Officer. 8. Attend a vocational program as directed by the Probation Officer.
<p>Condition (9): Failure to comply with Probation Officer's instructions (depending on nature of the instruction and reason for non-compliance will vary)</p>	<ol style="list-style-type: none"> 1. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by the Probation Officer for treatment and work purposes). 2. Weekly call in to Probation Officer for 4 weeks. 3. Weekly reporting in person to Probation Officer for 4 weeks. 4. Report in person twice per month to Probation Officer for 8 weeks. 5. Enter, attend, and successfully complete the Thinking for a Change

	<p>(T4C) program through FDC as directed by the Probation Officer.</p> <p>6. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer.</p>
<p>Condition (10): Failure to pay monthly monetary obligations as stipulated by the Court</p>	<ol style="list-style-type: none"> 1. If unemployed, weekly reporting in person with proof of job search logs to be submitted to Probation Officer. 2. If employed, attend a budgeting class. 3. Weekly call in to Probation Officer until monetary obligations are current. 4. Attend and participate in 3 sessions with the FDC Employment Specialist as directed by the Probation Officer. 5. Attend local job fairs as directed by the Probation Officer. 6. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer.
<p>Condition (11): Failure to submit to random testing as directed</p>	<ol style="list-style-type: none"> 1. Substance use evaluation and successfully complete recommended treatment as deemed appropriate by a qualified therapist. 2. Increase level of treatment program up to and including residential treatment. 3. Color code system- call in daily as directed by the Probation Officer (minimum of 2 drug tests per month). 4. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by the Probation Officer for treatment and work purposes). 5. Enter, attend, and successfully complete the Thinking for a Change (T4C) program through FDC as directed by the Probation Officer. 6. Enter, attend, and successfully complete the F.A.C.E.I.T. program

	through FDC as directed by the Probation Officer.
Special Condition (1): Failure to attend treatment evaluation or treatment session as scheduled	<ol style="list-style-type: none"> 1. Increase level of treatment program up to and including residential treatment. 2. Color code system- call in daily as directed by the Probation Officer (minimum of 2 drug tests per month). 3. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by the Probation Officer for treatment and work purposes). 4. Enter, attend, and successfully complete the Thinking for a Change (T4C) program through FDC as directed by the Probation Officer. 5. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer. 6. Weekly reporting to Probation Officer until treatment evaluation is completed.
Special Condition (8): Failure to complete community service work as instructed	<ol style="list-style-type: none"> 1. If unemployed, daily call in to Probation Officer until community service work is current. 2. If employed, weekly call in to Probation Officer until community service work is current. 3. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by the Probation Officer for treatment and work purposes). 4. Enter, attend, and successfully complete the Thinking for a Change (T4C) program through FDC as directed by the Probation Officer. 5. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer.
Special Condition (9): Failure to remain at residence during curfew period	<ol style="list-style-type: none"> 1. Electronic Monitoring for 90 days.

	<ol style="list-style-type: none"> 2. Weekly call in to Probation Officer for 4 weeks. 3. Weekly reporting in person to Probation Officer for 4 weeks. 4. Report in person twice per month to Probation Officer for 8 weeks. 5. Enter, attend, and successfully complete the Thinking for a Change (T4C) program through FDC as directed by the Probation Officer. 6. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer.
<p>Community Control Condition (16): Failure to maintain approved schedule-unapproved absence from required locations (negligence in arriving home late, stopping at the store on the way home without permission, etc.)</p>	<ol style="list-style-type: none"> 1. Electronic Monitoring for 90 days. 2. Curfew from 8:00 P.M. to 6:00 A.M. for 90 days (can be modified by the Probation Officer for treatment and work purposes). 3. Enter, attend, and successfully complete the Thinking for a Change (T4C) program through FDC as directed by the Probation Officer. 4. Enter, attend, and successfully complete the F.A.C.E.I.T. program through FDC as directed by the Probation Officer. 5. Additional 10 hours of community service work as directed by the Probation Officer.