

**IN THE THIRTEENTH JUDICIAL CIRCUIT COURT  
FOR HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER NO. S-2001-031  
(Supersedes Administrative Order S-1999-017)**

**EXTENDED LIMITS OF CONFINEMENT;  
ALTERNATIVE TO INCARCERATION PROGRAMS**

**WHEREAS** members of the criminal justice community in the circuit recognize that the proper detention of certain persons is a matter of great public concern and community safety; and

**WHEREAS** the Hillsborough County Jail System must operate within mandatory population guidelines set by law; and

**WHEREAS** the courts of this circuit seek to comply with jail population guidelines without compromising the safety of the community; and

**WHEREAS** a committee of judges and other members of the criminal justice community has reviewed jail release guidelines and alternatives to incarceration and recommended procedures herein described; and

**WHEREAS** the court has the authority to extend limits of confinement for an inmate with the advice and consent of the sheriff, directly or through a designated officer; and

**WHEREAS** the Office of the Sheriff of Hillsborough County, in its capacity as Executive Officer of the Courts of Hillsborough County, is hereby authorized pursuant to Florida Rules of Judicial Administration 2.050(b)(8) to grant and administer extended limits of confinement through Alternative to Incarceration Programs as described herein. The acts of the sheriff pursuant to this order are the acts of this court; it is therefore

**ORDERED:**

1. The Office of the Sheriff of Hillsborough County has developed and operates the following alternatives to incarceration:

A. County Sentenced - Work Release Program

- B. County Sentenced - Electronic House Arrest Program
- C. County Sentenced - Day Reporting Program

2. All persons sentenced to the Hillsborough County Jail System shall be remanded to the custody of the sheriff, who shall have authority to extend the limits of confinement for certain offenders who shall meet certain specific criteria as described in Attachment A of this order. Those offenders who, after proper and thorough review, are determined to meet the eligibility requirements of Attachment A, and are not specifically excluded by the sentencing court, may be assigned by the sheriff to one of the several programs identified in Section 1 (A)-(C) of this order. The sentencing court will then be notified in writing of all such placements into one of these programs. In the event a sentencing court objects to any such post-placement, the court may revoke said placement by notice to the sheriff. The court shall not, however, sentence an offender directly into any one of the programs identified in section 1 (A)-(C) of this order. Individuals who are sentenced and awaiting placement into a non-secure treatment facility shall not be excluded from the selection eligibility criteria; however, before assignment to an alternative program the sentencing court must provide written approval.

3. Offenders eligible for and assigned to the Work Release Program shall, as a condition of the program, be gainfully employed and shall reside at the Hillsborough County Work Release Center until such time as they have satisfied the requirements of the programs and the sentencing court.

4. Offenders eligible for and assigned to such other programs as identified in Section 1 B-C of this order shall reside in their proper residence and shall perform such community service work for the various county funded public agencies as the sheriff may determine appropriate. Each offender shall perform no more than ten (10) hours, unpaid work per day for not less than two (2) days and not more than six (6) days per work week.

5. Admission into any of the programs herein referenced shall be accomplished through

a contractual arrangement between each offender and the sheriff. Such contract shall describe the terms and conditions for continued participation in a program and shall stipulate that failure to comply with the aforesaid terms may result in termination from a program. Such termination shall result in the offender being returned to the secure custody of the jail to complete the term of the offender's sentence.

6. Upon proper determination that an offender has been found to have violated the terms of the contract or is otherwise a risk to the community, the sheriff shall have the authority to immediately return said offender to the secure custody of the jail without requirement to obtain warrants, pick-up orders or other instruments which may normally be issued by the court for such purposes.

7. In consideration of satisfactory performance of the duties and requirements of the program to which an offender may be assigned, the offender may receive gain time in accordance with section 951.21, Florida Statutes, and as approved by the Hillsborough County Board of County Commissioners. Any offender who is found to have violated the terms of the contract may forfeit such gain time as has been earned up to the time of said violation.

8. It shall be the responsibility of the sheriff to ensure proper review and credit of such time as may have been earned by an offender or to deduct such time as may be forfeited resulting from an offender's violation of the contractual obligations. In no event shall any offender described herein be required to serve more than three hundred and sixty-four (364) days per sentence of the court in the custody of the sheriff. This requirement shall in no way impinge on the court's ability to sentence an offender to consecutive terms of confinement.

9. The sheriff shall be responsible to develop and establish work programs and scheduling for offenders eligible to participate in the programs. Such scheduling shall be developed in conjunction with the needs of the various county-funded public agencies and shall have as a primary goal the benefit

of the community at large for services performed by unpaid offender labor.

10. The sheriff shall only be responsible for the cost of emergency medical treatment for any offender who sustains any injury during the course of the performance of the duties required by the program to which the offender is assigned. Other routine or regular non-emergency medical and dental care shall be the responsibility of the offender. This shall in no way restrict or prevent the sheriff from pursuing reimbursement for medical expenses as provided for by federal and state statutes.

11. Nothing contained herein shall abrogate pre-trial release, reduction of bond, or other procedures established by Florida Law or Rule or considerations contained in Administrative Order S-1999-093.

12. This administrative order supersedes Administrative Order S-1999-017 and is effective immediately.

**DONE** and **ORDERED** in Chambers in Tampa, Hillsborough County, Florida, this 25<sup>th</sup> day of April, 2001.

\s\ F. Dennis Alvarez  
F. Dennis Alvarez, Chief Judge

original to: Richard Ake, Clerk of the Court  
copies to: All Criminal Circuit and County Judges  
Mark Ober, State Attorney  
Julianne Holt, Public Defender  
Cal Henderson, Sheriff

## **ATTACHMENT A**

### **Eligibility for Placement into Alternative to Incarceration Programs**

Participation in one of the several Alternative to Incarceration Programs for County sentenced offenders shall in part be based upon the following facts:

- a. Place and length of residence in the community;
- b. Family ties in the community;
- c. Employment record;
- d. Character and mental condition;
- e. Past record of convictions or arrests;
- f. Past history of appearances at court proceeding.

The existence of any of the following characteristics shall be considered to exclude eligibility for participation in the programs:

- a. Violent crimes or history of criminal sexual activity, illegal substance related offenses;
- b. Extensive criminal record of conviction or arrest or pending charges;
- c. Non-resident of Hillsborough County;
- d. Detainers or holds of any kind, except individuals pending transfer to non-secure treatment facilities;
- e. Escape risk.

Any such other fact or consideration which, in the discretion of the Sheriff, may pose a risk to the community at large may be cause for exclusion from the program.

None of the foregoing shall be binding upon the sheriff as an absolute condition for inclusion or exclusion from the programs. They each shall serve as a minimum guide to the Office of the Sheriff who, in the best interest of the community, shall have authority to grant or withdraw the eligibility for program participation based upon the particulars of the facts or considerations of each offender reviewed.