

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

ADMINISTRATIVE ORDER S-2006-156

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION CASES

WHEREAS in Chapter 2001-209, Laws of Florida, the Legislature declared that a compact for the supervision of adult offenders was necessary for the immediate preservation of the public peace, health, and safety; and

WHEREAS Chapter 2001-209, Laws of Florida, was approved by the Governor and signed into law on June 13, 2001, making the State of Florida a member state of the “Interstate Compact for Adult Offender Supervision;” and

WHEREAS the “Interstate Compact for Adult Offender Supervision” was created to ensure cooperation and coordination among member states in the transfer of supervised offenders across state boundaries; and

WHEREAS it is necessary for the proper administration of justice within this circuit to establish a procedure to assist in the effective and efficient transfer of offenders subject to the “Interstate Compact for Adult Offender Supervision;” it is therefore

ORDERED:

1. Definitions

For the purposes of this administrative order, the following terms have the following meanings:

“Booking” – means the administrative processing of an offender by the Hillsborough County Sheriff’s Office subsequent to arrest.

“ICAOS” – means the “Interstate Compact for Adult Offender Supervision.”

“Offender” – means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense in another state and released to the community under the

jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies who has requested and received transfer of supervision to Florida under the provisions of the Interstate Compact for Adult Offender Supervision.

“Retaking” – means the act of a sending state in physically removing an offender, or causing to have an offender removed, from the State of Florida.

“Sending state” – means a state which transfers supervision of an offender to the State of Florida under the terms of the Interstate Compact for Adult Offender Supervision and its rules.

2. First Appearance Hearing

Upon the booking of any offender being supervised by the Florida Department of Corrections pursuant to the Interstate Compact for Adult Offender Supervision, the ICAOS offender shall be entitled to a first appearance hearing.

3. Probable Cause Determination and Case Assignment

The judge assigned to handle first appearance hearings shall determine whether there is probable cause to believe the ICAOS offender has violated the terms and conditions of his or her supervision. If the judge determines there is no probable cause to believe the ICAOS offender has violated the terms and conditions of his or her supervision, the ICAOS offender shall be released. If the judge determines there is probable cause to believe the ICAOS offender has violated the terms and conditions of his or her supervision, the clerk will create a separate case file identifying the offender as being subject to the provisions of the ICAOS and transfer the ICAOS case file to Criminal Justice Division “K.” The clerk will set a status hearing in Division “K” within seven (7) calendar days, or as close thereto as possible, to allow the judge presiding in Division “K” to review the status of a sending state’s decision to retake or not retake the ICAOS offender.

4. Department of Corrections ICAOS Case File

The Department of Corrections probation officer assigned to Division “K” shall bring an

ICAOS offender's Department of Corrections case file to each scheduled status hearing and shall provide the Division "K" judge with any information relevant to a sending state's decision to retake or not retake the ICAOS offender. If a sending state has decided to retake an ICAOS offender, the probation officer shall provide the Division "K" judge with an update on the status of the retaking of the ICAOS offender by the sending state.

5. Periodic Judicial Review

The Division "K" judge shall continue to monitor the status of any ICAOS offender until a decision to retake or not retake the ICAOS offender has been made by the sending state. The Division "K" judge is authorized to schedule additional status hearings as are deemed necessary in order to effectively monitor a sending state's decision to retake or not retake an ICAOS offender and to ensure the timely and proper retaking of any ICAOS offender by a sending state.

6. Release of ICAOS Offender – Pending Status Hearing

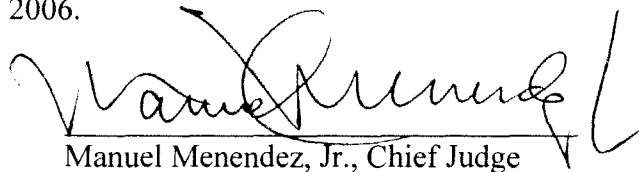
Upon the receipt of a sending state's decision to retake an ICAOS offender, an ICAOS offender who has not been alleged to have committed a new substantive criminal offense in the State of Florida shall be immediately released to the sending state regardless of any pending status hearings set in Division "K."

7. Effective Date

This administrative order is effective November 1, 2006.

DONE and ORDERED in chambers in Tampa, Hillsborough County, Florida, this

6th day of October, 2006.


Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court
Copies to: All Criminal Division Judges
Mark A. Ober, State Attorney
Julianne Holt, Public Defender
David Gee, Sheriff
Gail Reddick, Department of Corrections