

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: **PROCEDURES FOR GPS
AND ALCOHOL MEASURING
DEVICE TECHNOLOGY VENDORS**

**ADMINISTRATIVE ORDER
NO. 2.31**

WHEREAS, pursuant to Article V, Section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the Chief Judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, due to the unique issues accompanying criminal and domestic relation/violence cases; and

WHEREAS, Global Positioning System (GPS) and Continuous Transdermal Alcohol Measuring Device technology has proven effective in promoting compliance with Court orders in criminal and domestic relation/violence cases and in accurately monitoring the location of those fitted with the device, thereby ensuring the safety of the parties involved and the public where no other reasonable measure exists; and

WHEREAS, GPS and Continuous Transdermal Alcohol Measuring Device technology being used with increasing frequency due to the benefits realized; and

WHEREAS, there is a need for uniform guidelines for vendors providing such technology used in the Twentieth Judicial Circuit;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Twentieth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, it is ordered as follows:

1. A party ordered to be fitted with a functioning GPS/Continuous Transdermal Alcohol Measuring Device must report to the chosen provider within twenty-four (24) hours of the Court order directing placement of the device, or within any such time period as ordered by the Court.
2. A party ordered to wear the GPS/Continuous Transdermal Alcohol Measuring Device shall pay all costs associate with the wearing of the device and shall continuously wear the device until released by Court order.
3. The GPS device must be monitored twenty-four (24) hours a day throughout the United States. The Continuous Transdermal Alcohol Measuring Device must be uploaded once every twenty-four (24) hours for review.
4. The GPS system must be capable of having inclusion and exclusion zones, a violation of which must be reported to the Probation Officer assigned to the case within one (1) business day following the violation. A violation of the Continuous Transdermal Alcohol Measuring Device system must be reported to the Probation Officer assigned to the case within one (1) business day.

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5. The vendor must be willing to have the GPS device programmed and monitored such that the involved party shall be contacted within five (5) minutes of a violation of an exclusion or inclusion zone established for the protection of the involved party.

6. The GPS device must accurately track the wearer of the device and maintain records of his or her actual location.

7. The vendor must have an adequate supply of equipment such that no wearer of the device is ever required to wait for a device to become available, and the vendor must be available to place the device on the wearer of the device seven (7) days a week.

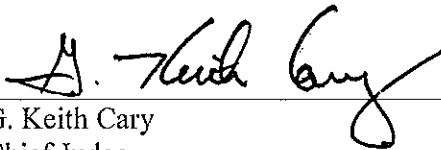
8. Tampering with the GPS/Continuous Transdermal Alcohol Measuring Device, removing the device, or allowing the battery in the device to become exhausted shall be considered a violation which must be reported to the Judge assigned to the case within one (1) business day following the violation.

9. This Administrative Order is not intended to apply to any cases in which the offender is supervised by the Florida Department of Corrections.

10. To the extent that any provision of this Administrative Order may conflict with any rule, statute or law, the rule, statute or law shall prevail.

DONE AND ORDERED in Chambers in Fort Myers, Florida, this 20 day of

August, 2009.


G. Keith Cary
Chief Judge

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History.- New.

STATE OF FLORIDA, COUNTY OF LEE

FILED FOR RECORD

This 28 Day of August 09 Record in Circuit
Book 53 Page 296-297 and Record Verified.

CHARLIE GREEN
Clerk Circuit Court
By M. Montgomery
Deputy Clerk

I certify this document to be
true and correct copy of the
original on file in my office,
Charlie Green, Clerk Circuit
Court, Lee County, Florida
dated: 8/28/09

By M. Montgomery
Deputy Clerk