

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
 - Amended -**

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 serve as an additional tool to monitor compliance with terms and conditions of pretrial supervision and probation; and

WHEREAS, GPS and Continuous Transdermal Alcohol Measuring Device technology is being used with increasing frequency; 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 vendor may request to be included on the Administrative Office of the Court's (AOC) written list of Electronic Monitoring Service Providers by submitting to the AOC an application. If approved, the vendor must sign a Memorandum of Understanding acknowledging all terms and conditions required for inclusion on the written list. Parties ordered by the Court to submit to electronic monitoring as a condition of pre-trial supervision or county probation may select any vendor from the written list and shall be solely responsible for entering into an agreement with the vendor and for the cost of electronic monitoring services.
2. A party ordered to wear the GPS device and/or the Continuous Transdermal Alcohol Measuring Device shall pay directly to the vendor all costs associated with the wearing of the device.
3. The GPS device and/or the Continuous Transdermal Alcohol Measuring Device must be monitored by the vendor twenty-four (24) hours a day, seven (7) days a week, including weekends and holidays, throughout the United States.
4. The GPS system must be capable of having inclusion and exclusion zones, a violation of which must be reported by the vendor to law enforcement immediately by telephone. A violation of the Continuous Transdermal Alcohol Measuring Device system must be reported by the vendor to the Pre-trial or Probation Officer assigned to the case by telephone as soon as possible during normal business hours, but no later than 11:00 a.m. on the following business day.

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5. The vendor must be willing to have the GPS device programmed and monitored such that law enforcement shall be contacted immediately of a violation of an exclusion or inclusion zone.

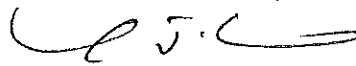
6. The GPS device must accurately track the wearer of the device and maintain records of his or her actual location.

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

9. 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 14th day of Nov, 2018.

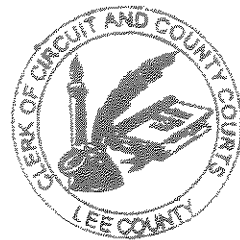


Michael T. McHugh
Chief Judge

History.- Administrative Order 2.31 (August 20, 2009).

STATE OF FLORIDA, COUNTY OF LEE
FILED FOR RECORD
This 16 Day of Nov, 2018 Recorded in Circuit
Book 601 Page 129730 and Record Verified.
LINDA DOGGETT By [Signature]
Clerk Circuit Court Deputy Clerk

I certify this document to be a true and correct copy of the record on file in my office, Linda Doggett, Clerk Circuit/County Court, Lee County, FL
Dated: 11/16/18
By [Signature]
Deputy Clerk



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