

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA
LEE, COLLIER, CHARLOTTE, HENDRY AND GLADES COUNTIES

IN RE: RECIPROCAL GRANT OF AUTHORITY BY
JUDICIARY OF THE TWENTIETH JUDICIAL
CIRCUIT FOR REVOCATION OF PRETRIAL
RELEASE AT FIRST APPEARANCE.

ADMINISTRATIVE
ORDER
NO. 3.33

WHEREAS, section 903.0471, Florida Statute (2022), provides as follows:

Notwithstanding s. 907.041, a court may, on its own motion, revoke pretrial release and order pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant committed a new crime while on pretrial release.¹

and,

WHEREAS, Fla. R. Crim. P. 3.131(d)(1), provides, in part, as follows:

No judge or court of equal or inferior jurisdiction may modify or set a condition of release, unless the judge:

- (A) imposed the conditions of bail or set the amount of bond required;
- (B) is the chief judge of the circuit in which the defendant is to be tried;
- (C) has been assigned to preside over the criminal trial of the defendant; or
- (D) is the first appearance judge and was authorized by the judge initially setting or denying bail to modify or set conditions of release.

and,

WHEREAS, the Court must always be mindful of balancing multiple interests, which may include protecting a defendant's due process and constitutional rights, protecting the community from the risk of physical harm, and assuring the integrity of the judicial process;

and,

¹ Section 907.041, Florida Statute (2022), entitled "Pretrial detention and release," sets forth the legislative policy of pretrial detention and release, with the intent that the primary consideration be the protection of the community from risk of physical harm to persons.

I hereby certify this document to
be a true and correct copy of the
record on file in my office
Kevin C. Karnes, Clerk of the
Circuit Court, Lee County FL

Dated 5/15/23
By Patricia J. [Signature]
Deputy Clerk



WHEREAS, pursuant to Fla. R. Crim. P. 3.131(d)(1)(D), all Judges of the Twentieth Judicial Circuit have been consulted and unanimously agree to grant to their judicial colleagues presiding over first appearance, the authority to revoke pretrial release, under the authority of section 903.0471, Florida Statutes (2022), in any earlier case in which any other Judge of the Twentieth Judicial Circuit may have previously granted pretrial release.

It is, by the authority vested in the Chief Judge pursuant to Fla. R. Jud. Admin. 2.215,

ORDERED as follows:

1. This Administrative Order is intended to memorialize the reciprocal grant of authority by the Judges of the Twentieth Judicial Circuit.
2. Based on the reciprocal grant of authority by the Judges of the Twentieth Judicial Circuit, any Judge of the Twentieth Judicial Circuit presiding over a first appearance hearing may revoke pretrial release granted by another Judge of the Twentieth Judicial Circuit in an earlier case, upon making a finding of probable to believe that the defendant committed a new crime while at liberty on that pretrial release, as permitted by section 903.0471, Florida Statutes (2022).
3. The reciprocal authority granted herein does not mandate any particular action on the part of the Judge presiding over first appearance. Rather, the express intent of this Administrative Order is the granting of authority that is permissive in nature and allows the Judge presiding over first appearance to use sound discretion in making a determination as to whether to revoke pretrial release in the prior case.
4. The reciprocal authority granted herein is to either revoke or not revoke pretrial release; it does not extend to making any other modifications to the terms of pretrial release imposed by another Judge.



5. This Administrative Order is not intended to prohibit the parties from filing motions for pretrial detention or pretrial release, as may be appropriate or authorized by the Florida Rules of Criminal Procedure or by statute.

6. The reciprocal authority granted herein is only applicable between the Judges of the Twentieth Judicial Circuit. It shall have no application outside of the Twentieth Judicial Circuit. This does not act as a grant of authority *to* Judges outside of the Twentieth Judicial Circuit, nor does it act as an acquisition of authority *from* Judges outside of the Twentieth Judicial Circuit.

7. To the extent that this Administrative Order may conflict with law, statute, or rule, the law, statute, or rule shall prevail.

8. This Administrative Order shall be effective immediately.

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 12th day of May, 2023.



Michael T. McHugh
Chief Judge

History. - New.

