

**ADMINISTRATIVE ORDER MEMORIALIZING RECIPROCAL GRANT OF
AUTHORITY BY JUDICIARY OF THE NINTH JUDICIAL CIRCUIT FOR
REVOCATION OF PRETRIAL RELEASE AT FIRST APPEARANCE**

The purpose of this Administrative Order is to memorialize the reciprocal grant of authority to revoke pretrial release, under the authority of section 903.0471, Florida Statutes, in any earlier case in which any other judge of the Ninth Judicial Circuit, except those referenced below, may have previously granted pretrial release.

Section 903.0471, Florida Statute, 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

Florida Rule of Criminal Procedure 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.

¹ Section 907.041, Florida Statutes, 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.

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. Pursuant to Rule 3.131, except as otherwise stated below, the judges of the Ninth Judicial Circuit have been consulted and unanimously agree, with the exception of those judges specifically listed in Attachment A to this Administrative Order, 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, in any earlier case in which the judge may have previously granted pretrial release.

By the power vested in the chief judge under Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Rule 2.215 of the Florida Rules of General Practice and Judicial Administration, unless otherwise provided herein, to continue until further order and superseding any provisions in prior Administrative Orders that may be inconsistent, it is **ORDERED**:

1. This Administrative Order is **effective immediately**.
2. This Administrative Order is intended to memorialize the reciprocal grant of authority by the judges of the Ninth Judicial Circuit.
3. Based on the reciprocal grant of authority by all judges of the Ninth Judicial Circuit, with the exception of those listed in Attachment A, any judge of the Ninth Judicial Circuit presiding over a first appearance hearing may revoke pretrial release granted by another judge of the Ninth Judicial Circuit in an earlier case, upon making a finding of probable cause to believe that the defendant committed a new crime while at liberty on that pretrial release, as permitted by section 903.0471, Florida Statutes.
4. 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 to memorialize 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.
5. 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.

6. If the initial appearance judge is not authorized by the judge initially setting bail or pre-trial release conditions to revoke pretrial release, as that judge is listed on Attachment A of this Order, it will be the responsibility of the objecting attorney to raise this issue before the initial appearance judge.

7. If the initial appearance judge is without authority to address pretrial release, the state attorney may seek relief pursuant to Florida Rule of Criminal Procedure 3.132. Any hearings held after the initial appearance shall be held before the assigned judge.

8. 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.

9. The reciprocal authority acknowledged herein is only applicable between the judges of the Ninth Judicial Circuit. It shall have no application outside of the Ninth Judicial Circuit. This does not act as a grant of authority to judges outside of the Ninth Judicial Circuit, nor does it act as an acquisition of authority from judges outside of the Ninth Judicial Circuit.

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

DONE AND ORDERED at Orlando, Florida, this 29th day of June, 2023.



Lisa T. Munyon
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>

“Attachment A”

Exception List of Judges Withholding Consent for Reciprocal Grant of Authority

Intentionally left blank because every judge in the Ninth Circuit has granted the reciprocal authority described in the administrative order.