

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER NO. A-2023-22**

**REGARDING THE RECIPROCAL GRANT OF JUDICIAL  
AUTHORITY FOR REVOCATION OF PRETRIAL RELEASE AT  
FIRST APPEARANCE**

**WHEREAS**, Article V, Section 2(d) of the Florida Constitution, Section 43.26, Florida Statutes, Florida Rules of General Practice and Judicial Administration 2.215, charges the chief judge with the authority to promote the prompt and efficient administration of justice in the courts over which he or she is chief judge; and

**WHEREAS**, Section 903.0471, Florida Statutes, provides that a court may revoke 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; and

**WHEREAS**, 3.131(d)(1) Florida Rules of Criminal Procedure allows a judge of equal or inferior jurisdiction to modify or set a condition of release if said judge is either A) the judge who imposed the condition to be modified or revoked; B) is the Chief Judge of the circuit in which the defendant is to be tried; C) is the judge 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 the condition to be modified;** and

**WHEREAS**, the judges of the Fifth Judicial Circuit have a duty to protect the rights of the defendant, balanced with the duty to also protect the community from the risk of physical harm, and to assure the integrity of the judicial process; and

**WHEREAS**, a judge, while presiding over first appearances, may become aware of information justifying the revocation or modification of bail or condition of release previously set by other judges; and

**WHEREAS**, in accordance with 3.131(d)(1)(D), Florida Rules of Criminal Procedure, all judges of the Fifth Judicial Circuit, including senior judges, have been consulted and unanimously agree to grant to their judicial colleagues presiding over first appearance(s) the authority of section 903.0471, Florida Statutes, in any earlier case in which any other judge of the Fifth Judicial Circuit may have previously granted pretrial release;

**IT IS THEREFORE;**

**ADMINISTRATIVELY ORDERED as follows:**

1. This Administrative Order is intended to memorialize the reciprocal grant of authority by the judges of the Fifth Judicial Circuit.
2. Based on the reciprocal grant of authority by the judges of the Fifth Judicial Circuit, any judge of the Fifth Judicial Circuit presiding over a first appearance hearing may revoke pretrial release granted by another judge of the Fifth 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 pretrial release, as permitted by section 903.0471, Florida Statutes. It is further ordered for the purpose of determining promptly a motion to revoke and recommit in the absence of the judge having trial jurisdiction, a motion to revoke and recommit may be heard by the duly assigned duty judge for the County in which the Motion is made.
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 to grant authority that is permissive in nature and allows a 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 modification to the terms of pretrial release imposed by another judge.

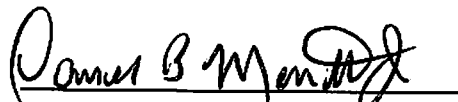
5. This administrative order is not intended to prohibit the parties from filing motions for pretrial detention or pretrial release, as may be appropriate or authorized by the Florida Rules of Criminal Procedure or by statute.

6. The reciprocal authority granted herein applies only between the judges of the Fifth Judicial Circuit and does not apply to judges outside the Fifth 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 at Brooksville, Hernando County, Florida this 31<sup>st</sup> day of October 2023.

  
\_\_\_\_\_  
**Daniel B. Merritt, Jr.**  
**Chief Judge**  
**Fifth Judicial Circuit**