

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
13-19-B AMENDED
SUPERSEDES 13-19-B

**IN RE: CRIMINAL - ALERTS/REPORTS FROM ELECTRONIC MONITORING COMPANIES
CONCERNING POSSIBLE VIOLATIONS OF ELECTRONIC MONITORING RULES**

WHEREAS, Article I, section 14, of the Florida Constitution, and Florida Rule of Criminal Procedure 3.131(a) provide that every person charged with a crime or violation of a municipal or county ordinance shall be entitled to pretrial release on reasonable conditions, unless the person is charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great;

WHEREAS, section 903.046, Florida Statutes, and Rule 3.131(b), Florida Rules of Criminal Procedure permit the imposition of reasonable conditions of pretrial release;

WHEREAS, electronic monitoring is a reasonable condition that allows for pretrial release pursuant to Article I, section 14 of the Florida Constitution, while also assuring the integrity of the judicial process and assisting in protecting the community from possible risk of physical harm to persons;

WHEREAS, electronic monitoring of probationers and community controllees help defendants to conform conduct to society's requirements by discouraging behaviors that are likely to lead to new law violations or other violations of supervision, Correa v. State, 43 So. 3d 738, 745 (Fla. 2d DCA 2010);

WHEREAS, e-mail or letter notifications from electronic monitoring companies sent directly to a judge or judges that serve as notification of possible violations by defendants of electronic monitoring rules, such as, location or activity restrictions, may constitute improper ex parte and hearsay communication, see e.g. Edwards v. State, 60 So. 3d 529 (Fla. 2d DCA 2011);

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26(2)(e), 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;

It is **ORDERED**:

1. All notifications from electronic monitoring companies of possible violations by person(s) under electronic/GPS monitoring (“alleged violators”) shall be immediately and directly sent only by the electronic monitoring companies to the law enforcement entity having jurisdiction over the alleged violator.
Law Enforcement shall coordinate with the State Attorney’s Office to determine what further action will be taken.
 2. E-mail or letter notifications that are sent in error to the judge’s office by electronic monitoring companies will not be read by the judge or the judicial assistant.
- DONE AND ORDERED this 20th day of May , 2013.

ALAN A. DICKEY
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CHIEF JUDGE

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