

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER NO. 2023-25**

**RE: RECIPROCAL GRANT OF AUTHORITY FOR REVOCATION OF PRETRIAL  
RELEASE AT FIRST APPEARANCE**

**WHEREAS**, section 903.0471, Florida Statutes, provides that “[n]otwithstanding s. 907.041, a court may, on its own motion, 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,”<sup>1</sup> and

**WHEREAS**, Fla. R. Crim. P. 3.131(d)(1) provides, in pertinent part, that no judge 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 consider defendants’ constitutional rights to due process, as well as the need to protect the community from the risk of harm, and

**WHEREAS**, the judges of the First Judicial Circuit have been consulted and each agrees that any judge presiding over first appearance should be given authority to revoke pretrial release in any earlier case(s) in which any other judge may have previously granted pretrial release, pursuant to Rule 3.131(d)(1)(D) and section 903.0471, Florida Statutes;

**NOW, THEREFORE**; pursuant to the authority of the Chief Judge, under section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215(b),

**IT IS HEREBY ORDERED:**

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<sup>1</sup> Effective January 1, 2024, section 903.0471 will read as follows: “Notwithstanding s. 907.041, a court may, on its own motion, 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 or violated any other condition of pretrial release in a material respect.”

1. Based on the reciprocal grant of authority by the judges of the First Judicial Circuit, as memorialized by this order, any judge presiding at a first appearance hearing may revoke pretrial release which was previously granted by another judge of the First Judicial Circuit in an earlier case or cases, upon finding probable cause to believe that the defendant has committed a new crime while on pretrial release, pursuant to section 903.0471, Florida Statutes.
2. The authority granted herein is only applicable between judges of the First Judicial Circuit. To the extent that this order may conflict with law, statute, or rule, the law, statute, or rule shall prevail.
3. The authority granted herein is permissive, not mandatory. Each first appearance judge may use his or her sound discretion as to whether revocation of pretrial release is appropriate in any prior case. However, the authority granted does not extend to allow the first appearance judge to modify terms of pretrial release imposed by another judge.
4. This order does not prohibit the filing of motions for pretrial release or pretrial detention, as may be appropriate or authorized by law.
5. This order shall be effective as of the date of signature.

**DONE AND ORDERED** in Pensacola, Escambia County, Florida, this 4th day of August, 2023.

//s// John L. Miller  
**JOHN L. MILLER**  
**CHIEF JUDGE**

Copies furnished to:  
All Judges, First Judicial Circuit  
All Clerks, First Judicial Circuit  
Ginger Bowden Madden, State Attorney, First Judicial Circuit  
Bruce Miller, Public Defender, First Judicial Circuit  
Candice Brower, Office of Criminal Conflict Counsel  
Kasey R. Watson, Trial Court Administrator  
For Broadcast by: Escambia-Santa Rosa Bar Association  
For Broadcast by: Okaloosa County Bar Association  
For Broadcast by: Walton County Bar Association  
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