



**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR BAY COUNTY**

**ADMINISTRATIVE ORDER 2021-01-01
Amendment 2**

RE: PRETRIAL GLOBAL POSITIONING SYSTEM (“GPS”) HOUSE ARREST

Members of the criminal justice community in this circuit recognize that the proper detention of certain persons is a matter of great public concern and community safety. The Bay County Jail System must operate within mandatory population guidelines set by law. The courts of this circuit seek to comply with jail population guidelines without compromising the safety of the community.

The court has the authority under section 907.041, Florida Statutes, to release an arrested person on electronic monitoring if the facts and circumstances warrant such a release. In response to a recommendation of a committee of judges and other members of the criminal justice community, the Bay County Sheriff (hereafter referenced as BCSO) has initiated an electronic monitoring pretrial house arrest program utilizing an active Global Positioning System (“GPS”). With the advances of cellular technology, the lack of landline residential telephone service is no longer an eligibility obstacle to the GPS house arrest program.

BCSO is hereby authorized as the chief judge’s designee, pursuant to Florida Rule of Judicial Administration 2.215(b) (8), to administer the pretrial release actions described in this administrative order. By the power vested in the chief judge under Florida Rule of Judicial Administration 2.215(b) (2), it is therefore ORDERED:

1. Pretrial Global Positioning System (“GPS”) House Arrest Program

The BCSO shall operate a Pretrial House Arrest Program using an active Global Positioning System (“GPS”). This program is available to those court-ordered detainees who shall be released from custody on their own recognizance (“ROR”) in lieu of posting bond while remaining on this electronic monitoring program. The BCSO has the sole responsibility to recommend any detainee prior to judicial consideration. Additionally, the Court retains discretion to consider “GPS” as a condition of pretrial release and/or sentencing. This program is not affiliated with the Bay County Pretrial Release Program, 14th Judicial Circuit.

2. Eligibility for Sheriff’s Use of Pretrial GPS

BCSO may make recommendation to the Court to release a pretrial detainee held in the Bay County Jail System on his or her own recognizance for placement in the Pretrial GPS House Arrest Program if the detainee is being held with or without bond. Any of the following criteria excludes a person from consideration:

- A. Qualification as a sexual offender as defined by section 943.0435(1)(a), Florida Statutes;
- B. Any conviction of treason; murder; manslaughter; sexual battery; aircraft piracy; kidnapping; or home-invasion robbery;
- C. Any conviction within the past ten (10) years of carjacking; robbery; arson; aggravated assault; aggravated battery; aggravated stalking; unlawful throwing, placing or discharging of a destructive devise or bomb;
- D. Currently charged with a dangerous crime as defined in section 907.041(4)(a), Florida Statutes;
- E. Any determination by the Sheriff's Office that a person presents an escape risk, including any history of escapes or attempted escapes;
- F. Out of Circuit detainees;
- G. Non-resident of Bay County; or
- H. Residence in an area that has no cellular telephone service.

Any person excluded from consideration because of criteria "A," "B," "C," or "D" above may file requests for pretrial release or bond modifications before the presiding judge responsible for their case(s).

3. Court Order

The Pretrial GPS House Arrest program shall be initiated by a recommendation from BCSO to the Court as to an inmate who may be eligible. BCSO and Inmate shall execute a written contract detailing the terms and conditions of pretrial release, and said contract shall accompany any request from BCSO to the Court. The Court reserves the right to modify any terms of release into this program as circumstances may dictate. Any judicial decision to grant an eligible detainee ROR with placement in the Pretrial GPS House Arrest Program must be documented in a written order. A person will be excluded from consideration if the person is a non-resident of Bay County or resides in an area that has no cellular telephone service to allow GPS tracking.

4. Costs

Pretrial GPS House Arrest participants will not be required to pay a fee for participation in the program. However, each participant shall be required to pay costs associated with the monitoring center and shall remain liable for the replacement cost of any equipment damaged while in that participant's possession.

5. Contract Terms

Pretrial GPS House Arrest participants must agree to the terms as set forth in the contract for Pretrial GPS House Arrest. Such contract will describe the terms and conditions for continued participation in the program.

6. **Violation of Contract**

Violation of any term or condition of the contract or Pretrial GPS House Arrest will result in termination from the program and in the detainee being returned to the secure custody of the jail until such time as the court directs otherwise. Should BCSO determine that a person has violated the terms of the contract or is otherwise a risk to the community, BCSO will immediately return such offender to the secure custody of the jail with either a warrant, pick-up order, order to show cause or any other instruments normally presented to a court for such purpose. Upon arrest, the offender shall make a prompt first appearance before a judge in accord with Florida Rule of Criminal Procedure 3.130 et.al.

7. **Jail Credit**

Jail credit time will not be granted to individuals admitted into the Pretrial GPS House Arrest Program because such program is not considered the functional equivalent of incarceration in the county jail under section 921.161, Florida Statutes.

8. **Dissolution of Pretrial Detention Order**

A detainee will be entitled to dissolution of the pretrial detention order whenever the court finds that a later event has eliminated the basis for the detention.

9. **Monitoring**

BCSO is responsible for establishing procedures necessary to ensure proper monitoring of any person admitted to Pretrial GPS House Arrest.

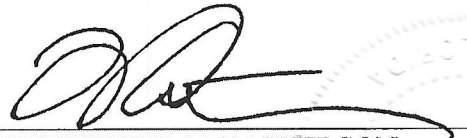
10. **Medical and Dental Fees**

Eligibility for and admission of the Pretrial GPS House Arrest Program is for the sole benefit of the accused. Neither BCSO nor Bay County will in any way be responsible for any medical or dental fees for any participant of this program.

11. **Effective Date**

This administrative order is effective immediately.

DONE AND ORDERED in Panama City, Bay County, Florida, this 22nd day of September 2022.



CHRISTOPHER N. PATTERSON
CHIEF JUDGE

Copies to: All Criminal Division Judges
Tommy Ford, Bay County Sheriff
Larry Basford, State Attorney
H. Mark Sims, Public Defender



A CERTIFIED TRUE COPY
BILL KINSAUL CLERK
OF THE CIRCUIT COURT

By Antonia Barbo
Deputy Clerk