

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR HIGHLANDS COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2-87.0

IN RE: HIGHLANDS COUNTY PRETRIAL RELEASE PROGRAM

WHEREAS, on March 2, 2001, the then Highlands County Administrative Judge entered Administrative Order 1-1, which implemented the Highlands County Pretrial Release Program (hereinafter "Pretrial Release Program" or "PTR Program"); and

WHEREAS, the Pretrial Release Program was implemented with public funds appropriated by the Board of County Commissioners of Highlands County (hereinafter "Board"); and

WHEREAS, on December 13, 2011, the Board and the Highlands County Clerk of Court (hereinafter "Clerk") entered into a Memorandum of Understanding wherein the Clerk agreed to perform the duties and responsibilities as described in Administrative Order 1-1 and the Board agreed to provide funding for the program; and

WHEREAS, it is necessary to define the role and scope of the program; and

WHEREAS, in accordance with Article V, section 2, Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215;

NOW, THEREFORE, it is ORDERED that:

1. The Court authorizes the Highlands County Clerk of Court to be responsible for the technical supervision and administration of the Pretrial Release Program in Highlands County under the authority of the Chief Judge or the Chief Judge's designee, consistent with and in compliance with Rule 3.131, Florida Rules of Criminal Procedure, and section 903.046, Florida Statutes. The Pretrial Release Program is subject to the requirements of Florida law and this Administrative Order. Highlands County Clerk staff who administer the Pretrial Release Program are employees of the Highlands County Clerk of Courts, not the State of Florida or the Florida State Court System.
2. The overall goal of the Highlands County Pretrial Release Program is to return to society those individuals who, with a high degree of certainty, will return to Court at the specified time, thus helping to contribute to the prevention of serious inmate overcrowding in the Highlands County Jail.
3. The Pretrial Release staff, once they have completed the daily interview with elected jail inmates, will present release recommendations to the judge assigned to preside over First Appearance Hearings.
4. The Pretrial Release staff shall not conduct any investigations/verifications beyond those provided for and authorized by section 907.041, Florida Statutes.

5. Once a defendant is required to be supervised by the Pretrial Release Program, the Pretrial Release staff shall promptly report alleged violations of the court-ordered conditions of release, including concerns about the defendant's ability to comply, to the assigned judge.
6. The principal duties and responsibilities of the Pretrial Release staff, including but not limited to those delineated hereinabove, are essentially those stated in Attachment 1, attached and incorporated herein.
7. A monthly Pretrial Release Activities Report detailing the activities of each month will be completed by the Pretrial Release Program staff no later than the fifteenth day of each following month and will be provided to the Chief Judge, the Trial Court Administrator, Highlands County Administrative Judge, and the assigned Highlands County Judge.
8. This Administrative Order vacates and supersedes Administrative Order 1-1, entered on March 2, 2001, by the then Highlands County Administrative Judge.
9. This Administrative Order is effective upon signing.

DONE and ORDERED on this 9th day of January, 2026.

s/JAMES A. YANCEY, Chief Judge

Original to:  
Polk County Clerk of Courts

Copies to:  
All Judges  
Highlands County Clerk of the Circuit Court  
Office of the State Attorney  
Office of the Public Defender  
Office of Criminal Conflict and Civil Regional Counsel, 2<sup>nd</sup> District Region  
Highlands County Sheriff's Office  
Highlands County Board of County Commission  
Electronic Bar Mailing

ATTACHMENT 1

PRETRIAL RELEASE  
DUTIES AND RESPONSIBILITIES

- A. Utilizing the information contained on the Booking Sheet, a Highlands County Pretrial Release Intake Sheet will be initiated, and the following items annotated:
1. All charges will be listed
  2. Name (as booked) as well as all known aliases
  3. Age, DOB, race, and sex
- B. Having completed the above, if Pretrial Release staff determine that a defendant may qualify for pretrial release, a pretrial release investigation/verification will be conducted by a Pretrial Release Investigator pursuant to section 907.041, Florida Statutes. Pretrial Release staff may not conduct any investigations/verifications beyond those provided for and authorized by section 907.041, Florida Statutes. If the defendant is charged with a criminal traffic offense, the Pretrial Release Investigator shall also certify that they have investigated/verified the defendant's driver's license history.
- C. The presiding judge at First Appearance may at his/her discretion order a Pretrial Release Investigation of any inmate whom the judge believes may be a candidate for pretrial release, a bond reduction, or pretrial release with bond conditions.
- D. Certification: To be released on nonmonetary conditions under the supervision of the Pretrial Release Program, the Pretrial Release Program must certify on the Intake sheet(s) that it has investigated or otherwise verified the information required by section 907.041, including, but not limited to the following:
1. Residence
  2. Family (Community ties)
  3. Employment (or school)
  4. Immigration status
  5. Prior Record
  6. Time in Highlands County and State of Florida
  7. Victim input/impact information
  8. Probation officer input (probation cases)
  9. Arresting/investigating officer input (when requested by court)
  10. Risk Assessment

- E. Evaluation: The information obtained through investigation and verification must be evaluated by the Pretrial Investigator. If the certified information in these categories indicates that: (a) the defendant may be expected to appear in Court as directed, (b) the defendant may be expected to comply with the conditions of his/her release, and (c) the defendant poses no threat to the community (dangerous crimes), the Pretrial Investigator may proceed with his/her recommendation for pretrial release.

In evaluating the available information, the Pretrial Investigator should also consider certain special conditions of release which may be applicable in the particular case. Special conditions may include, but are not limited to, whether the defendant should be required to:

1. Obtain and retain gainful employment as a lawful occupation;
  2. Abstain from using intoxicating beverages, standard drug and/or alcohol clauses;
  3. Comply with special conditions as ordered by the Court; or
  4. Have no contact with victim or victim's property.
- F. Recommendation: Once a recommendation has been determined by the Pretrial Investigator, the Pretrial Investigator will present the recommendation to the judge assigned to hear first appearance hearings so that the judge may determine whether the defendant should be released or detained. The recommendation shall include the Intake Sheet and any other applicable information, including, but not limited to, the probable cause affidavit or warrant.

The Pretrial Investigator will provide the Judge a blank copy of the Pretrial Release Order for the Judge to complete.

- G. Processing the Pretrial Release Order: The judge's judicial assistant will file the Pretrial Release order with the Clerk of Court through the Florida Courts E-Filing Portal. The judicial assistant will provide a copy of the Pretrial Release Order to the following by eservice through the Florida Courts E-Filing Portal:

1. Highlands County Sheriff's Office – Classifications
  2. Pretrial Release
  3. State Attorney
  4. Defendant (by eservice if e-mail address was provided and by the Highlands County Sheriff's Office prior to the defendant's release)
  5. Defendant's Attorney
- H. Processing the Release: Once the Pretrial Release Order has been filed, the Highlands County Sheriff's Office shall provide a copy of the Pretrial Release Order to the defendant prior to release. As instructed on the Pretrial Release Order, the defendant is to call Pretrial Release immediately upon release.
- I. If a defendant violates the terms of a Pretrial Release Order, an Affidavit of Violation and a Proposed Order Revoking Pretrial Release shall be presented to the appropriate judge for review.

If the Order Revoking Pretrial Release is signed, the Pretrial Release clerk shall send a copy of the order to the Highlands County Sheriff's Office, Warrants Division, through the Clerk's secure file transfer protocol (FTP) site and notify Warrants of the Order by email. The Pretrial Release clerk will then file the order with the Criminal Division.