

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER: 2.073

IN RE:

DISTRIBUTION OF SUMMARIES
OF FCIC/NCIC CRIMINAL HISTORY
OF DEFENDANTS

_____ :

WHEREAS, Florida Rule of Criminal Procedure 3.130 provides that, except when previously released in a lawful manner, every arrested person shall be taken before a judicial officer within 24 hours of arrest for First Appearance; this rule further provides that the State Attorney or an Assistant State Attorney and Public Defender or Assistant Public Defender shall attend the First Appearance hearing or if applicable, privately retained counsel may appear on behalf of the defendant; and

WHEREAS, Florida Rule of Criminal Procedure 3.131(b) provides that the judge at First Appearance may consider, among other delineated factors, the defendant's past and present conduct, including any record of convictions, to determine what form of release is necessary to assure the defendant's appearance and the safety of the community; and

WHEREAS, prior to the First Appearance hearings in Key West, Marathon and Plantation Key, the 16th Judicial Circuit's Pretrial Services Program provides the presiding Judge, the State Attorney, the Public Defender and privately retained counsel a summary of the defendants' criminal history derived from the Florida Crime Information Center (FCIC) and the National Crime Information Center (NCIC); and

WHEREAS, Florida Rule of Criminal Procedure 3.701 establishes guidelines for the preparation of sentencing scoresheets, specifically that the State Attorney's Office shall prepare the scoresheets for presentation to defense counsel and for approval by the presiding judge; the rule further defines "prior record" and how convictions shall be scored; and

WHEREAS, Florida Rule of Criminal Procedure 3.171 defines the responsibilities of the State Attorney and Defense Counsel with regard to plea discussions and agreements, during which criminal history information of the defendant must be incorporated therein;

IT IS THEREFORE ORDERED THAT:

1. Pretrial Services is authorized to disseminate to the State Attorney, Assistant State Attorneys, and defense counsel, the summary of the criminal histories of defendants derived from the Florida Crime Information Center (FCIC) and National Crime Information Center (NCIC), who are appearing in front of a judge for a First Appearance Hearing or a Bond Reduction Hearing.
2. The State Attorney's Office is authorized to disseminate to defense counsel the summary of the criminal histories of defendants derived from the Florida Crime Information Center (FCIC) and National Crime Information Center (NCIC) for use through plea negotiations and during the preparation and distribution of scoresheets.
3. Defense counsel is defined as the Public Defender, Assistant Public Defender, Regional Counsel, court-appointed counsel or privately retained counsel.

Administrative Order 2.009, *Sentencing Guidelines/Local Procedures* is hereby rescinded.

DONE AND ORDERED in Chambers at Key West, Monroe County, Florida, on this 31 day of July, 2013.



Honorable David J. Audlin, Jr.
Chief Judge