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

ADMINISTRATIVE ORDER NO.:
15-42-S
SUPERSEDES 14-32-S

IN RE: CRIMINAL BAIL SCHEDULE FOR SEMINOLE COUNTY

Bail is an essential part of the criminal justice system, and a bail schedule is hereby promulgated so that law enforcement officers and booking officers can set bonds on arrests prior to first appearance. This schedule is not binding upon first appearance judges, who have the responsibility to review arrests at first appearance and set conditions of release pursuant to Rule 3.131 of the Florida Rules of Criminal Procedure and section 903.046 Florida Statutes.

Within this bail schedule, special provisions setting bail for specific offenses control over general provisions that may also be applicable to the specific offense.

Under the provisions of Florida Statute 903.02(4), a separate and specific bail amount must be set for each offense charged.

Bail will have a condition in every case that the defendant will have no direct or indirect contact with the alleged victim, if there is one in the case; and that the defendant shall remain from criminal activity of any kind.

IT IS ADJUDGED:

I. OFFENSES FOR WHICH NO BAIL SHALL BE SET UNTIL THE INITIAL APPEARANCE PROCEEDING BEFORE A JUDGE

1. Capital Felony
2. Life Felony
3. First Degree Felony Punishable by Life
4. First Degree Felony (Violent)
5. Second Degree Felony (Violent-with at least one prior violent felony conviction)
6. Attempt/Solicitation/Conspiracy to Commit First Degree Murder
7. Persons who are arrested for a felony while released on bail for a separate felony
8. Armed Robbery (Firearm or Dangerous Weapon)
9. Armed Burglary (Firearm or Dangerous Weapon)

10. Carjacking
11. Armed Home Invasion (Firearm or Dangerous Weapon)
12. Kidnapping
13. Drug Trafficking and Conspiracy to traffic in drugs
14. Sale or Delivery of a Controlled Substance (3rd Offense or more)
15. Manufacture of Methamphetamine
16. RICO Act Violations (F.S. 895.03)
17. Escape from DOC or Rehabilitation Reentry Program or other correctional facility
18. Attempt/Solicitation/Conspiracy to Commit Second Degree Murder
19. Aggravated Stalking
20. Domestic Violence (Any Felony or misdemeanor offense defined in F.S. 741.28(1))
21. Violations of Domestic Violence Injunctions, Repeat Violence Injunctions, Dating Violence Injunctions or Sexual Violence Injunctions, regardless of the nature of the alleged violation.
22. Violation of any Condition of Release where the underlying offense is one of Domestic Violence
23. Burglary with an Assault or Battery
24. Violations of Felony Probation or Community Control unless
    a. There is a violation of probation warrant, which, on its face, provides that the probationer does not meet the qualifications for a "danger to public" hearing as defined in Florida Statute 948.06(4) (as amended by the "Jessica Lundsford Act"), and
    b. Such violation of probation warrant sets a bond amount.
25. Any criminal offense if the defendant is currently on felony probation or community control
26. Persons who are arrested for a felony who, because of their prior criminal record, qualify for sentencing on the arrested felony as a "Habitual Violent Felony Offender"; "Three-time Violent Felony Offender"; "Violent Career Criminal" or "Prison Release Reoffender".
27. Persons who are arrested for Possession of a Firearm by a Convicted Felon;
28. Any felony involving the use of threatened use of a firearm.
29. DUI Manslaughter
30. DUI 4th Offense or More.

NOTE TO INITIAL APPEARANCE JUDGES: "Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained." Fla. R. Crim. P.

II. ARRESTEES SUBJECT TO THE JESSICA LUNSFORD ACT

1. The Jessica Lundsford Act requires a judge to make a finding that a probationer or an offender on community control who is arrested for violating his/her probation or community control is not a "danger to public" prior to his/her release with or without bail where the probationer or offender in community control is:
   a. A registered sexual predator, or
   b. A registered sexual offender, or
   c. Under supervision for any criminal offense prescribed in Chapter 794 (Sexual Battery); Section 800.04(4) (Lewd or Lascivious Battery); Section 800.04(5) (Lewd or Lascivious Molestation); Section 800.04(6) (Lewd or Lascivious Conduct); Section 827.01 (Sexual Performance by a Child), or Section 847.0145 (Selling or Buying of Minors), or
   d. Under supervision for a criminal offense for which he/she would meet the registration criteria in Section 775.21, Section 943.0435, or Section 944.607 but for the effective date of those sections.
2. A probationer who is subject to the provisions of the "Jessica Lunsford Act" shall not be released on bail unless there is a judicial finding that he or she is not a danger to the public. If there is no such finding on the face of the warrant, the offender shall be held without bail, even if the warrant provides a specific bail amount.
3. If the judge who issued the warrant expressly states that the offender is not a danger to the public, bail shall be set in the amount provided for in the warrant.
4. If the warrant issuing judge does not include a finding that the offender is not a danger to the public and the offender is thereby held without bail, the First Appearance Judge may, in their discretion, hold the hearing and make findings as provided in Fla. Stat. §948.06(4). If the First Appearance Judge does not hold this hearing, the court shall set the case for a status hearing in the assigned criminal division within 72 hours of the First Appearance hearing.

III. SPECIFIC OFFENSES

OFFENSE	RESIDENCY			
	LOCAL	FLORIDA	OUT-OF-STATE	OUT-OF-COUNTRY
1. Third Degree Murder	$15,000	$20,000	$25,000	$35,000
2. Manslaughter	$15,000	$20,000	$25,000	$35,000
3. Vehicular Homicide	$15,000	$20,000	$25,000	$35,000
4. Leaving Scene of Accident Involving Death/Personal Injury	$15,000	$20,000	$25,000	$35,000
5. Burglary of an Occupied Dwelling	$15,000	$20,000	$25,000	$35,000
6. All other non-armed Burglaries	$5,000	$8,000	$10,000	$15,000
7. Sexual Offenses – First Degree Felony	$35,000	$40,000	$50,000	$60,000
8. Sexual Offenses – Second Degree Felony	$15,000	$20,000	$25,000	$35,000
9. Sexual Offenses – Third Degree Felony	$5,000	$8,000	$10,000	$15,000

10. DUI Involving Personal Injury	$15,000	$20,000	$25,000	$35,000
11. DUI – Third Offense	$5,000	$8,000	$10,000	$15,000
12. Aggravated Fleeing or Attempting to Elude	$15,000	$20,000	$25,000	$35,000
13. Fleeing or Attempting to Elude	$5,000	$8,000	$10,000	$15,000
14. Sale or Delivery of a Controlled Substance (Second Offense)	$35,000	$40,000	$50,000	$60,000
15. Sale or Delivery of a Controlled Substance (First Offense)	$15,000	$20,000	$25,000	$35,000
16. Possession of a Listed Chemical	$25,000	$30,000	$35,000	$40,000
17. Computer Crimes Involving Child Pornography or Soliciting Sexual Conduct by a Child	$35,000	$40,000	$50,000	$60,000
18. Failure to Register as a Sex Offender	$15,000	$20,000	$25,000	$35,000

IV. NON-SPECIFICALLY ENUMERATED FELONIES

OFFENSE	RESIDENCY			
	LOCAL	FLORIDA	OUT-OF-STATE	OUT-OF-COUNTRY
1. First Degree Felony (Non-Violent)	$15,000	$20,000	$25,000	$35,000
2. Second Degree Felony (Violent)	$15,000	$20,000	$25,000	$35,000
3. Second Degree Felony (Non-Violent)	$5,000	$8,000	$10,000	$15,000
4. Third Degree Felony (Violent—with at least one prior violent felony conviction)	$15,000	$20,000	$25,000	$35,000
5. Third Degree Felony (Violent)	$5,000	$8,000	$10,000	$15,000
6. Third Degree Felony (Non-Violent)	$2,000	$3,000	$5,000	$8,000

V. WARRANTS

Bond for persons arrested on a violation of felony probation shall be set as provided for in the warrant itself, if and only if, the warrant provides that the probationer does not meet the qualifications of a "danger to public" hearing as defined in Florida Statute 948.06(4) (as amended by the "Jessica Lundsford Act"); otherwise, such person shall be held without bond pending the initial appearance before a judge.

Bond for persons arrested on a violation of misdemeanor probation warrant, a failure to appear warrant, or an arrest warrant shall be set as provided for in the warrant itself. If the warrant is silent as to a bond amount, the bail shall be set as otherwise provided in this Administrative Order.

VI. MISDEMEANORS

Rule 3.125(b) provides:

1. "If a person is arrested for an offense declared to be a misdemeanor of the first or second degree or for violation of a municipal or county ordinance triable in the county, and demand to be taken before a magistrate is not made, notice to appear may be issued by the arresting officer unless:
    a. The accused fails or refuses to sufficiently identify himself or herself or supply the required information;

b. The accused refuses to sign the notice to appear;

c. The officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to the accused or others;

d. The accused has no ties with the jurisdiction reasonably sufficient to assure the accused's appearance or there is substantial risk that the accused will refuse to respond to the notice;

e. The officer has any suspicion that the accused may be wanted in any jurisdiction; or

f. It appears that the accused has previously failed to respond to a notice or a summons or has violated the conditions of any pretrial release program.

2. If a defendant is not released on a "Notice to Appear", pursuant to Rule 3.125, bond shall be set, pending first appearance, as follows:

OFFENSE	BAIL
DUI (First Offense)	$500
DUI (Second Offense)	$1,000
Criminal Traffic Offenses	$500
First Degree Misdemeanors	$500
Second Degree Misdemeanor	$250
Violations of conditions of release where the underlying offense is not one of Domestic Violence	$1,000

3. As to all individuals arrested for the offense of DUI, any release must also comply with the criteria set forth in Fla. Stat. §316.193(9).

VII. DEFINITIONS

The following definitions apply to this bail schedule:

1. Local Resident – A person qualifies as a local resident if his/her principal place of domicile is located in Seminole County, Florida and has been so for a period of three (3) months.
2. Florida Resident – A person qualifies as a Florida resident if his/her principal place of domicile is located in the State of Florida and has been so for a period of three (3) months.
3. Out of State Resident – A person qualifies as an out of state resident if his/her principal place of domicile is located outside the State of Florida but in another state within the United States and he/she is a United States citizen or he/she is a foreign national and his/her principal place of domicile is in another state within the United States and has been so for a period of six (6) months and he/she is in possession of such documents as permit a current domicile within the United States or such permit is otherwise corroborated.
4. Out of County Resident – A person qualifies as an out of country resident if he/she is not domiciled in the United States or is not a United States citizen and

his/her principal place of domicile is in the United States but has been so for less than six (6) months whether permitted or not.

5. Violent Offense – An offense qualifies a violent offense if it involves physical harm or bodily injury or threat of same.
6. Non-Violent Offense – An offense qualifies as a non – violent offense if it involves no physical harm or bodily injury or threat of same.

VIII. SPECIAL CONDITIONS OF RELEASE – DUTY OF RELEASE OFFICER

1. General Conditions for Pretrial Release Applicable to All Cases
   a. The defendant shall refrain from criminal activity of any kind.
   b. The defendant shall refrain from any contact of any type with the victim(s), except through pretrial discovery pursuant to Florida Rules of Criminal Procedure. F.S. 903.47
   c. The defendant shall comply with all other conditions of pretrial release.
2. Persons Arrested for Domestic Violence, Repeat, Sexual, and Dating Violence; Order of No Contact

   Any person who is arrested in Seminole County for an offense of domestic violence, repeat violence, sexual violence or dating violence shall be furnished an Order of No Contact (Attachment 1) stating the conditions of pretrial release. Persons arrested for any of the above noted offenses shall not be released until they have been instructed on the special conditions set forth in the Order of No Contact and have signed a court approved written notice acknowledging instruction on the special conditions of pretrial release.
3. Persons Arrested for Sexual Offenses or Child Abuse

   Any person who is arrested for a sexual offense or for child abuse shall, as an additional condition of release, be prohibited from having direct or indirect contact with victim(s), victim(s)' family, or residence(s) of the victim(s). Persons arrested who have committed a sexual offense or child abuse shall not be released until they have been instructed of these special conditions by the pretrial release officer and have signed a written notice approved by the court.
4. Persons on Probation- Department of Corrections:

   Any person who is arrested in Seminole County and who is on probation with supervision by the Department of Corrections, Probation and Parole Services, shall, as an additional condition of release, report to their Probation Officer with the Department of Corrections, Probation and Parole services before 4:00 p.m. on the first business day following release. An offender is considered to be on probation if he is on parole or under any other type of supervision status by the Department of Corrections.
5. Persons on Probation – Seminole County Probation Department

   Any person who is arrested in Seminole County and who is on probation with supervision by the Seminole County Probation Department, shall, as an additional condition of release, report to Seminole County Probation Department, Sanford, Florida, before 4:00 p.m. on the first business day following release.

IX. EFFECT OF FILING NOTICE OF NO INFORMATION OR NOLLE PROSEQUI

If a person arrested for any offense(s) occurring within Seminole County is admitted to bail and the State Attorney files a notice of No Information or Nolle Prosequi with respect to all charges arising out of a single arrest, the Sheriff shall without further order of the Court, release the person from custody as to the charges named. As to the named charges and person, all bail undertaking, not defaulted, shall be canceled, all sureties shall be exonerated, and all release on recognizance obligations shall be discharged without further order of the Court. A bench warrant or capias which may be outstanding and is yet unserved upon a named individual for a specified charge shall also be canceled upon the filing of a No Information or Nolle Prosequi without further order of the Court.

X. COMPLIANCE WITH THIS ADMINISTRATIVE ORDER

Upon receipt of the person arrested the booking officer shall review the arrest form to ensure that the arresting officer has properly set the initial bond according to this administrative order. The booking officer is authorized to make changes to the bond amount reflected on the arrest form to properly comply with this order but in considering changes the booking officer shall consider any information in the arrest form that the arresting officer believed called for a higher bond and shall defer to that judgment. However, any bond set shall not exceed the amount of bail set forth in the bond schedule.

DONE AND ORDERED this 12th day of October, 2015.

JOHN D. GALLUZZO
JOHN D. GALLUZZO
CHIEF JUDGE

Distribution to:
Circuit and County Court Judges (Seminole County)
Clerk of the Court (Seminole County)
Court Administration (Seminole and Brevard Counties)
State Attorney (Seminole County)
Public Defender (Seminole County)
Sheriff (Seminole County)
Bar Association (Seminole County)
Law Library (Seminole County)
Seminole County Jail Administrator
Seminole County Pretrial Release Officer
Seminole County Police Departments

ATTACHMENT 1

ORDER OF NO CONTACT IN CASES OF DOMESTIC VIOLENCE, REPEAT VIOLENCE, SEXUAL VIOLENCE, AND DATING VIOLENCE

Pursuant to Florida Statute 903.047, all persons arrested for domestic violence, repeat violence, sexual violence, or dating violence shall as conditions of pretrial release abide by the following conditions:

(a) Refrain from criminal activity of any kind.

(b) Refrain from any contact of any type with the victim except through pretrial discovery pursuant to the Florida Rules of Criminal Procedure.
The term "no contact" prohibits all oral or written communication either in person, telephonically, electronically, or by any other means either directly or indirectly through a third party with the victim or any other person named in the order.

(c) Refrain from having any physical or violent contact with the victim or other named person or his or her property.

(d) Refrain from being within 500 feet of the victim's or other named person's residence even if the victim or other named person shared the residence with the arrestee at the time of arrest.

(e) Refrain from being within 500 feet of the victim's or other named person's vehicle, place of employment, or other specified location frequented regularly by such person.

THIS ORDER OF NO CONTACT IS EFFECTIVE IMMEDIATELY AND IS ENFORCEABLE FOR THE DURATION OF PRETRIAL RELEASE OR UNTIL MODIFIED BY THE COURT.

The undersigned release officer acknowledges instructing the arrestee on the above conditions and furnishing the arrestee with a copy of the Order of No Contact.

The undersigned arrestee acknowledges being instructed on the conditions of pretrial release contained in the Order of No Contact and being furnished with a copy of the Order of No Contact.

This Order of No Contact applies to the following named persons and addresses:

_____

_____

_____

_____

_____	_____
Release Officer	Defendant/Arrestee
_____	_____
Date	Date