

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

ADMINISTRATIVE ORDER NO.:
97-35-B

**IN RE: SHERIFF - METHOD OF SURRENDER OF DEFENDANT BY SURETY PRIOR TO THE
FORFEITURE OF THE BOND**

WHEREAS, a surety may surrender a defendant at any time before a breach of the bond, (§ 903.20, Fla. Stat.);

WHEREAS, a surety desiring to surrender a defendant shall deliver a copy of the bond and the defendant to the official who had custody of the defendant at the time bail was taken or to the official into whose custody the defendant would have been placed if the defendant had been committed, (§ 903.21(1), Fla. Stat.);

WHEREAS, the official receiving said defendant and copy of the bond shall take the defendant into custody, as on a commitment, and issue a certificate acknowledging the surrender, (§903.21(1), Fla. Stat.);

WHEREAS, when a surety presents the certificate and a copy of the bond to the court having jurisdiction, the court shall order the obligors exonerated and any money or bonds deposited as bail refunded, (§ 903.21 (2), Fla. Stat.);

WHEREAS, the Sheriff is the executive officer of the circuit and county courts, (§ 26.49, 34.07, Fla. Stat.);

WHEREAS, the Sheriff is the chief correctional officer of the county correctional system, (§951.061, Fla. Stat.);

WHEREAS, deputy sheriffs have the same power as the sheriff appointing them, (§ 30.07, Fla. Stat.);

WHEREAS, the presiding judge of the judicial circuit exercises administrative supervision over all the trial courts within the judicial circuit and over all officers of such courts, (§ 43.26(1), Fla. Stat.);

WHEREAS, the presiding judge of the judicial circuit shall do everything necessary to promote the prompt and efficient administration of justice in the courts over which the judge presides, (§43.26(2) (f), Fla. Stat.);

WHEREAS, the Sheriff and deputy sheriffs, as officers of the court, have a duty to comply with the orders and directives of the presiding judge and a failure to do so constitutes neglect of duty for which said officer may be suspended from office or contempt of court, (§ 43.26 (5), Fla. Stat.; Henderson v. Dudley, 574 S.W. 2d 658, 666 (Ark. 1978) (citing State v. Leavitt, 271 S.W. 2d 63 (Mo. 1954)).

NOW THEREFORE, It is hereby

ORDERED, that in cases in which a surety desires to surrender a defendant, the Sheriff of Brevard County and all deputy sheriffs appointed thereunder, shall:

1. Take into custody, as on a commitment, the defendant when the defendant is delivered, along with a copy of the bond, to the Brevard County Jail.
2. Issue to the surety a certificate acknowledging the surrender of the defendant.

This order will take effect immediately.

DONE AND ORDERED This 11th day of DECEMBER, 1997.

JOHN DEAN MOXLEY, JR.
JOHN DEAN MOXLEY, JR.
CHIEF JUDGE

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