

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

ADMINISTRATIVE ORDER NO. :
05-44-S 2ND AMENDED
SUPERSEDES 05-44-S AMENDED

IN RE: CRIMINAL - BAIL SCHEDULE FOR SEMINOLE COUNTY

Alleged offenders are entitled to bail in most cases. A bail schedule is necessary to provide equality of treatment to alleged offenders. Therefore,

IT IS ADJUDGED:

1. Purpose of Bail Schedule

Except in cases where bail has previously been set or denied, the bail schedule set forth in this Order shall govern release from custody of alleged offenders prior to first appearance and thereafter unless modified in accordance with the applicable Rules of Criminal Procedure on a case-by-case basis.

2. Modification of Bail Prior to Arraignment

a. First Appearance

The "first appearance judge" is any judge who presides over daily first appearances. Except as provided in paragraph (c) below, the first appearance judge may decrease or increase the amount of bail or set other conditions of release as authorized by the Rules of Criminal Procedure from the date of initial first appearance and during any first appearance hearings thereafter until arraignment. First appearance judges may consider motions to release defendants from custody if the State fails to file a formal charge within thirty days as required by Rule 3.134.

b. Violation of Probation/Community Control Warrants

If a person is arrested for violation of probation or community control and is:

1. A registered sexual predator, or
2. A registered sexual offender, or
3. 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 827.071 (Sexual Performance by a Child), or Section 847.0145 (Selling or Buying of Minors), or
4. 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;

such arrestee is to be held without bond pending a "danger to public" hearing regardless of the bond amount set forth in the violation of probation or community control warrant. In all other cases involving a violation of probation or community control warrant, the judge who is assigned to the violation of probation or community control case shall hear any motions to set, reduce, increase, or modify bail on the warrant. The chief judge, or the administrative judge for Seminole County, shall assign a judge to determine bail in those cases in the absence of the judge to whom such case shall be assigned.

c. Assigned Judge

The "assigned judge" is the judge who is assigned to a case pursuant to administrative order. The assigned judge shall consider motions to set, reduce, increase, or modify conditions of bail or other conditions of release after arraignment and may consider those issues at any time. The assigned judge shall set bail or other conditions of release in capital cases and in cases scheduled on this Order to be "No Bail." No judge of a court of equal or inferior jurisdiction shall modify or set a condition of release which has previously been set by the assigned judge except as provided by Rule 3.131(d). The Chief Judge shall assign a judge to determine bail or other conditions of release in the absence of the assigned judge.

3. Extradition Cases

First appearance judges shall not set bail in extradition cases although they shall otherwise act as required by F.S. 941.10(1). The assigned judge shall hear any habeas corpus proceedings in extradition

cases and may consider bail when the defendant has been extradited from another state, territory, or country to this state. The first appearance clerk shall identify extradition cases on the first appearance docket.

4. Bail Schedule

Except as otherwise provided herein the following Schedules shall apply to felony and misdemeanor arrests and felony capiases pursuant to Fla.R.Crim.P. Rule 3.131(j):

SCHEDULE I - SPECIFIC CRIMES

Felony - First Degree Punishable by Life	NO BAIL
Life Felony	NO BAIL
Capital Felony	NO BAIL
Drug Trafficking {F.S. 893.135}	Set at First Appearance
Escape from Department of Corrections or from rehabilitative community reentry program {F.S. 944.405 (1)}	NO BAIL
Rico Act {F.S. 895.03 & 896.101 (2)}	Set at First Appearance
Attempt/ Solicitation/Conspiracy to Commit First Degree Murder {F.S.777.04 & 782.04}	NO BAIL
Attempt/Solicitation/Conspiracy to Commit Second Degree Murder {F.S. 777.04 & 782.04}	\$15,000
Burglary to a Dwelling {F.S. 810.02 (3)}	\$4,900
Leaving scene of accident with Death or Personal Injury {F.S. 316.027 (1)}	\$4,900
Vehicular Homicide {F.S. 782.071}	\$4,900
Manslaughter {including DUI Manslaughter} {F.S. 782.07 & F.S. 316.193 (2)(b)(3)}	\$10,000
DUI/Criminal Traffic	\$ 500

SCHEDULE II - OTHER CRIMES

<u>F-3</u>	<u>Non-Violent</u>	<u>Violent</u>	<u>Drug</u>	<u>Sexual Offenses</u>
Local Resident	\$1,000	\$2,000	\$3,000	\$3,000
Florida Resident	\$1,500	\$2,500	\$3,500	\$3,500
Out of State Resident	\$3,000	\$4,000	\$4,900	\$4,900
Out of Country				

Resident	\$4,900	\$8,000	Set at	\$7,000
			First Appearance	

<u>F-2</u>	<u>Non-Violent</u>	<u>Violent</u>	<u>Drug</u>	<u>Sexual Offenses</u>
Local Resident	\$2,000	\$4,000	\$4,900	\$10,000
Florida Resident	\$3,000	\$4,900	\$6,000	\$10,000
Out of State Resident	\$4,000	\$6,000	\$8,000	\$15,000
Out of Country Resident	\$4,900	\$8,000	Set at	\$15,000
			First Appearance	

<u>F-1</u>	<u>Non-Violent</u>	<u>Violent</u>	<u>Drug</u>	<u>Sexual Offenses</u>
Local Resident	\$4,900	\$7,000	\$10,000	\$25,000
Florida Resident	\$7,000	\$9,000	\$12,000	\$25,000
Out of State Resident	\$10,000	\$12,000	\$14,000	\$30,000
Out of Country Resident	\$12,000	\$14,000	Set at	\$35,000
			First Appearance	

<u>M-1</u>		<u>M-2</u>
All Offenses	\$ 500	All Offenses \$ 227.50

SCHEDULE III - OFFENDERS ON PROBATION OR COMMUNITY CONTROL FOR FELONY OFFENSES

An individual arrested for a new criminal offense, who is on felony probation or community control, shall be held without bond pending first appearance.

An individual arrested for violation of felony probation or community control shall be held without bond pending first appearance, unless;

- i. There is a violation of probation or community control warrant, which, on its face, provides that the arrestee does not meet the qualifications for a "danger to public" hearing as defined in Florida Statute 948.06(4)(as amended by the "Jessica Lunsford Act"), and
- ii. Such violation of probation or community warrant sets a bond amount.

5. Issuance of Capias

a. Initial Filing of Information (F.S. 932.48)

Except as provided in subsection b. the clerk of the circuit court shall endorse on the capias the bail pursuant to the bail schedule herein.

b. Refiled Information after Nolle Prosequi

When an information is refiled after a Nolle Prosequi has been entered and the court has therefore lost jurisdiction over the person of the defendant, only the assigned judge or alternate

judge pursuant to 2.c. herein may set the bail or other conditions of release.

6. Special Conditions of Release - Duty of Pretrial Release Officer

a. 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 Department of Corrections, Probation and Parole Services, Sanford, Florida, before close of business 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.

b. 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 close of business on the first business day following release.

c. 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 any victim named in the arrest report. This condition shall include not returning to the defendant's place of residence if any victim resides there.

d. Duty of Pretrial Release Officer

1. Persons arrested who are on probation shall not be released until they have been instructed of the conditions in paragraph 6, subsection b of this Order by a Pretrial Release Officer and have signed a written Notice in the form attached as Exhibit B to this Order.

2. Persons arrested who are alleged to have committed a sexual offense shall not be released until they have been instructed of the conditions in paragraph 6, subsection c of this Order by a Pretrial Release Officer and have signed a written Notice in the form attached as Exhibit C to this Order.

7. Subsequent Offenders

Any alleged offender who is on release status and is subsequently rearrested for a new felony offense shall be released on bail in an amount double that shown on the applicable schedule. Subsequent offenders shall not be released R.O.R. or P.T.R.

8. Domestic Violence Cases

a. Crimes Involving Domestic Violence

Any individual arrested for any crime involving domestic violence, as defined in Section 741.28(1) and (2) Florida

Statutes, shall remain incarcerated until First Appearance. At that time the First Appearance Judge shall determine appropriate bail and conditions of release, taking into consideration the factors enumerated in Section 741.2901(3), Florida Statutes, as presented by the State Attorney at First Appearance pursuant to said section. If the State Attorney fails to comply with Section 741.2901(3), the First Appearance Judge may release the individual on recognizance with appropriate conditions of release at the discretion of the Judge.

- b. Violation of Injunction for Protection Against Domestic Violence
Any individual arrested for violating Section 741.31, Florida Statutes, for violating an injunction for protection against domestic violence issued pursuant to Section 741.30 shall remain incarcerated until First Appearance. At that time the First Appearance Judge shall determine appropriate bail and conditions of release in the manner set forth in subsection (7) (a) herein.
- c. Violation of Injunction for Protection Against Repeat Violence
Any individual arrested pursuant to Section 901.15(8), Florida Statutes, for any crime violating an injunction for protection against repeat violence issued pursuant to Section 784.046, Florida Statutes, shall remain incarcerated until First appearance. At that time the First Appearance Judge shall determine appropriate bail and conditions of release in the manner set forth in Subsection (7) (a) herein.

9. Multiple Charges

In the event that an alleged offender is arrested on multiple charges, bail shall be set on the highest charge.

10. Temporary Detention

If, in the arresting officer's opinion, further violence, or additional law violations are probable, the duty Assistant State Attorney may contact the duty judge for authority to hold the alleged offender in custody until First Appearance.

11. Guidelines for Arresting Officers and/or Booking Personnel in Considering Release Prior to Judicial Review at First Appearance or Initial Proceeding

Guidelines for arresting officers and/or booking personnel in considering release of alleged offenders prior to judicial review at First Appearance or other initial proceeding are attached as Exhibit A to this Order and reincorporated by reference in this Order.

12. Bail before Conviction; Condition of Undertaking [Rule 3.131(e)(2)]

If a person is admitted to bail for his appearance for a preliminary hearing, or on a charge that a magistrate is empowered to try, the condition of the undertaking shall be that he will appear for such hearing, or to answer the charge, and will submit himself to the orders and process of the magistrate trying the same, and will not depart without leave.

If he is admitted to bail after he has been held to answer by a magistrate, or after an indictment or information on which he is to be

tried has been filed against him, the condition of the undertaking shall be that he will appear to answer the charges before the court in which he may be prosecuted and submit to the orders and process of the court, and will not depart without leave.

The sheriff shall not accept a surety bond which contains conditions of the undertaking which are different from those set forth above. This portion of this order is for the purpose of requiring the provisions of surety bonds to comply with the Rules of Criminal Procedure and to discontinue the practice of some sureties of limiting liability on bonds prior to final disposition of a case.

13. 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 on defaulted bail 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.

DONE AND ORDERED this 11th day of October, 2005.

KERRY I. EVANDER

KERRY I. EVANDER
CHIEF JUDGE

Distribution to:

Circuit and County Court Judges (Seminole County)
Clerk of the Court (Seminole and Brevard Counties)
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

Guidelines for Arresting Officers and/or Booking Personnel in Considering Release of Alleged Offender Prior to Judicial Review at First Appearance or Other Initial Proceeding

I. Residence

Community ties required to be considered by the Court pursuant to RCrP 3.131 should properly include factors bearing upon residence of a recently arrested individual.

The following classification of persons by residence is submitted to permit distinctions to be made by the arresting officer and or booking officials in connection with release on cash or surety bail of all persons arrested prior to any first appearance or initial appearance proceedings.

A. Local Resident

1. Brevard County Offense(s): Any person taken into custody for an offense which reportedly occurred in Brevard County, who has a verifiable residence address in Brevard Seminole, Volusia, Orange, Osceola or Indian River Counties is to be considered a "Local Resident", if the arrest of said person takes place in one of the counties mentioned in the subsection (A)-(1).
2. Seminole County Offenses(s): Any person taken into custody for an offense which reportedly occurred in Seminole County, who has a verifiable residence address in Seminole, Brevard, Volusia, Orange or Lake Counties is to be considered a "Local Resident", if the arrest of said person takes place in one of the counties mentioned in this subsection (A)-(2).

B. Florida Resident

Any person taken into custody for an offense which reportedly occurred in either Brevard or Seminole County who has a verifiable residence address in the State of Florida but does not reside in a county qualifying him as a Local Resident, as defined above, is considered a "Florida Resident" for purposes of the Bail Schedule but only if the arrest of said person occurred within the State of Florida.

C. Out-Of-State Resident

Any person taken into custody for an offense which reportedly occurred in either Brevard or Seminole County, who has a verifiable residence address within any state in the United States or any of its territories, but outside the State of Florida, is considered an "Out-of-State Resident" for the purposes of the bail schedule.

D. Out-of-Country Resident

Any person taken into custody for an offense which reportedly occurred in either Brevard or Seminole County, who has no verifiable address within the United States, or who has

identification which clearly indicates that said person is a resident of a country other than the United States, is to be considered and "Out-of-Country Resident" for the purpose of the bail schedule.

II. Non-Violent vs. Violent Offenses

Character of the offense charged has often been a factor in the court's pretrial release decision, and properly should be a part of any bail schedule which permits release prior to judicial review at first appearance or initial proceedings.

The criminal act of the theft of an expensive radio from a retail store, where the suspect is apprehended without any combative incident, is different from that which reports an arrestee to be threatening another person with a firearm, and a higher bail amount is suggested, pending judicial review at first appearance or initial proceedings.

A. Non-Violent Offense

Any felony offense not involving physical harm or actual threat of physical harm to another person is a "Non-Violent Offense".

B. Violent Offense

Burglary to an occupied dwelling is a "Violent Offense".

Also, any felony offense involving physical harm to another person, or having as one of its elements any assault or threat of violence, or involving the use or threatened use of a deadly weapon, or any offense regardless of its character which involves assaultive or combative conduct upon apprehension of the accused, is a "Violent Offense".

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

CASE NO.

STATE OF FLORIDA,

Plaintiff,

-vs-

Defendant.
_____ /

NOTICE OF CONDITIONS OF PRETRIAL RELEASE
(DEFENDANT ON PROBATION)

The arrest records in your case show that you are presently on probation.

The Circuit Court Administrative Order setting the bail schedule in Seminole County requires any person arrested who is on probation to accept the following condition of release prior to being released from custody:

If probation is supervised by the Department of Corrections, Probation & Parole Services, you will report to the probation office located at First Union Building, 101 East First Street, Suite 300, Sanford, Florida, before close of business the first business day following release. You will report to this office regardless of the location of your county of supervision.

If probation is supervised by the Seminole County Probation Department, you will report to the probation office located at 116 N. Hood Avenue, Sanford, Florida, before close of business the first business day following release.

CERTIFICATE OF PRETRIAL RELEASE OFFICER

I hereby certify that I have instructed the defendant about the above special conditions of release and that I have delivered a copy of this Notice to the defendant.

Pretrial Release Officer

R E C E I P T

I certify that I have received a copy of this notice.

Date: _____

Defendant

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

CASE NO.

STATE OF FLORIDA,

Plaintiff,

-vs-

Defendant.

_____ /

NOTICE OF CONDITIONS OF PRETRIAL RELEASE
(SEXUAL OFFENSES OR CHILD ABUSE)

The arrest records in your case show that you have been arrested for one or more charges involving either child abuse or a sexual offense.

The Circuit Court Administrative Order setting the bail schedule in Seminole County requires any person so charged to accept the following special conditions of release prior to being released from custody on bail:

- (1) You will have no direct or indirect contact with any victim named in the arrest report.
- (2) You shall not go to the residence of any victim named in the arrest report even if that residence is your residence.

If you fail to comply with these special conditions, you may be remanded to custody by the Court.

CERTIFICATE OF PRETRIAL RELEASE OFFICER

I hereby certify that I have instructed the defendant about the above special conditions of release and that I have delivered a copy of this Notice to the defendant.

Pretrial Release Officer

R E C E I P T

I certify that I have received a copy of this notice.

Date: _____ Defendant