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08/25/2004 at 01:16 PM, BOB INZER, CLERK OF COURTS

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA.

ADMINISTRATIVE ORDER: No. 4
CRIMINAL DIVISION

IN RE: Pretrial Release Procedures to Address the Overcrowding in the Leon County Jail

WHEREAS, the Leon County Jail needs to reduce the population of its facilities within certain limits: and

WHEREAS, it will be helpful to an orderly and proper resolution of this problem as well as for the continued efficient administration of the Leon County Pretrial Release Program to provide for the expeditious pretrial release of those persons who are entitled to same, consistent with the rights of those persons and the public's rights to safety; and

WHEREAS, under current administrative procedures, all defendants (except those charged with capital crimes or crimes punishable up to or by life imprisonment) are entitled to post bond as per the Uniform Bond Schedule and obviate the need for those defendants (who may be capable of posting bond), to appear at the First or Inititial Appearance of a Bond Hearing; and

WHEREAS, since a large percentage of defendants cannot post bond, either cash, surety or property and there is available in Leon County a Pretrial Release Program in order to comply with the requirements of law so as to allow those co-defendants who are unable to post a bond to be released; and

WHEREAS, since many of the defendants have sufficient community ties and little or no prior criminal record, the result of the procedure requiring that all defendants qualifying for programmatic release remain incarcerated until such time as they can be brought to First or Initial Appearance or to Bond Hearing further exacerbates an already difficult situation; and

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WHEREAS, it is the established policy of the Court concerning the release of low-risk defendants for the Court to release the defendants to the Pretrial Release Program (non-financial release program) when said program indicates to the Court that the defendant is acceptable and meets said program's criteria; and

WHEREAS, it is in the interest of facilitating appropriate release conditions in the Leon County Jail, and to avoid undue detention of arresting officers that the pre-existing pretrial release procedures be continued consistent with Florida Statutes 907.041 (Supp. 1982), 903.046 (Supp. 1982), and Rules 3.130, 3.131, and 3.132 (as amended and effective on October 1, 1983) of the Florida Rules of Criminal Procedure; said new procedures set forth below being consistent with and derived from the existing and long standing administrative procedures and judicial policies for the functioning of the pretrial financial release system; and

WHEREAS, it is in the interest of preserving the integrity of the Court's perogative in the bail setting process, that the criteria for release under these procedure be specific and definite, and that the criteria must be approved in advance by the court and applied in the manner directed by the Court;

NOW THEREFORE, in order to effectuate the orderly and efficient release of that class of above defendants in accordance with standards established and mandated by the Court, I, CHARLES DAVIS McCLURE, Administrative Judge, Criminal Justice Division in the Second Judicial Circuit, with the concurrence of the Circuit Judges of the Criminal Justice Division of the Circuit Court, and the concurrence of the Judges of the Criminal Justice Division of the County Court do hereby establish the following criteria for pre-bond hearing release of qualified defendants and declare the Pretrial Release Program to be an extension and arm of the Court

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CRITERIA FOR RELEASE PROCEDURE - NON-FELONY CHARGE

IN all cases where a defendant is held in custody for an offense or offenses charging only misdemeanor(s) or City or County Ordinance violation(s) and no information or indictment is filed within seventy-two (72) hours after the defendant's initial appearance before a Judicial Officer, immediately upon the passage of the 0600 hours the Sheriff of Leon County shall release said defendant from jail, without further order of this Court, unless ordered otherwise by a Judge having jurisdiction of the offense or by any Judge.

CRITERIA FOR THE PRETRIAL RELEASE PROCEDURE

COUNTY, CITY AND MISDEMEANOR CHARGES AND FELONY CHARGES

Criminal Justice Criteria:

1. Charge: Instant charge in the following order of preference regarding crimes:

a. County and City Ordinance violations and Misdemeanors.

b. Third degree felonies of a non-violent and non-dangerous nature.

c. Second degree felonies of a non-violent and non-dangerous nature.

d. Any other third and second degree felonies.

The Director of the Leon County Probation Division, or his designee(s), shall screen and oversee and determine, consistent with the provisions of this Order, if any defendant should be released for felonies within categories (c) and (d). Individuals appointed by the Director, Leon County Probation Division may be designated to personally screen and oversee and determine,

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consistent with the provisions of this Order, the release of any defendant for offenses within categories (a) and (b).

2. Prior Record:

a. Defendant has never been convicted of a violent felony and has not been convicted of more than one non-violent felony in the past five years.

b. Defendant has never been incarcertated in a Federal or State Penal Institution (defendants who have served misdemeanor or contempt sentences in the Leon County Jail are eligible).

c. Defendant is not currently on Pretrial Release or on a felony bond pending the outcome of another criminal matter.

d. Defendant has not had a history of failing to appear for a Court event (as evidenced by the issuance of a capias warrant).

3. Mental Health: The defendant has no obvious mental illness.

4. Danger to self or others: The defendant is neither dangerous nor potentially dangerous to himself or to another person or to other people.

Community Ties Criteria:

a. Residency and Community Ties: The defendant is a resident of Leon County or owns real property therein, and the defendant must have a verified residence address within this area.

b. Family Ties: The defendant must be living with either his parents, spouse of children, or if the defendant is living without family in a boarding house arrangement, alone, or with a friend, verification by landlord or friends is mandatory before release.

1. All defendants have alternative methods in which to satisfy the bond requirements. The Pretrial Release

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representative and/or Judge may establish a specific bail bond amount. The defendant with prior approval of the Pretrial Release Representative and/or Judge, may post bond by;

a. Depositing a cash amount equal to the bond with the Leon County Sheriff;

b. Securing a surety bond through a certified and licensed bail bondsman; or pledge property (real or personal), equal in value to the bond amount and approved by the Leon County Sheriff or his designated representative.

2. The Pretrial Release Representative shall be empowered with authority to set bonds in accordance with the attached schedule. A bond set by a judicial officer shall remain unchanged except by Court Order. Should the Pretrial Release Representative find that a monetary amount is proper for bonding purposes, the bond schedule shall be rigidly followed and shall not be varied from schedule attached..

5. The Pre-trial Release Officer shall also be vested with authority to set certain conditions required of a Defendant in addition to a monetary bond amount or releasing a Defendant on his/her own recognizance.

(1) Said Pre-Trial Release Officer may where deemed so appropriate, require a Defendant, while released on bond, submit to or inform Pre-Trial Release Officer on:

a. Psychological screening and counseling

b. Alcohol screening and counseling

c. Sample drug and/or alcohol urinalysis or blood tests

d. Obtain and maintain employment

e. Home confinement

f. Have no contact with victim

g. Abstain entry into a business establishment

h. Maintaining student status where appropriate

i. Contact with Pre-Trial Release Office

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j. Reporting changes in status of any type

k. Information on residence

l. Additional charges while on bond

m. Any other relevant information required of the Pre-Trial Release Officer.

(2) Any Defendant failing to provide information to the Pre-Trial Release Officer at the initial interview shall be held for First Appearance. Any Defendant violating any condition set on a bail bond shall be reported to the appropriate Judge for issuance of a capias or bond revocation.

(3) Pre-Trial Release Officer shall not:

a. Modify any bond previously set by a Judge

b. Release any Defendant classified as a fugitive from another jurisdiction awaiting extradition.

c. Modify any bond conditions set by a Judge.

d. Release any information to non authorized personnel without Court approval.

e. Release any information on any Juvenile in or out of custody.

f. Interview any Defendant in Federal custody.

g. Release or set bond on any Defendant with pending detainers from any other jurisdiction in Florida.

I FURTHER DIRECT THAT those defendants unable to post a monetary bond in accordance with the Uniform Bond Schedule and who satisfy all the above criteria and whose identities have been positively verified in accordance with established standards of verification may be released at the discretion of the Pretrial Release personnel to the custody and under the supervision of the Leon County Pretrial Release Program except that the Sheriff of Leon County or any of his deputies, any police officer, or the State Attorney or any of his assistant state attorneys may contact the Pretrial Release Program and object to such release in which case the defendant shall not be released on pretrial release. If any defendant meets the criteria for pretrial release and if any

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of the Pretrial Release personnel determine he shall not be released or if there is an objection made by the State Attorney's Office or any law enforcement officer, the decision to release any defendant and the conditions applicable to any release shall be made by a Judge.

I FURTHER DIRECT THAT the Pretrial Release personnel shall have access to all Leon County Jail, booking and docket facilities including SCIC, NCIC and local CJIS Systems information and to the inmates of such jail facilities in order to carry out their functions and duties under this Order.

I FURTHER DIRECT THAT in the event that any defendant released under the above pre-bond hearing release procedure should violate any conditions of release imposed by the Leon County Pretrial Release Program, said Pretrial Release Agency shall immediately inform the Judge assigned the case with appropriate recommendations as to the issuance of a capias with or without a bond.

I FURTHER DIRECT THAT if a pretrial release who has been charged with a felony is arrested on subsequent felony charges for which probable cause has been found, such person's pretrial release shall be revoked and he shall not be eligible for release on either charge unless otherwise Ordered by the Court.

NOW, THEREFORE, I, CHARLES DAVIS McCLURE, Pursuant to the authority vested in me as Administrative Judge, Criminal Justice Division of the Second Judicial Circuit of Florida, do hereby Order the above Administrative procedures to be implemented.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 31st day of March , 1987.

CHARLES D. McCLURE
ADMINISTRATIVE JUDGE

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We, the presently undersigned Circuit Judges of the Criminal Justice Division of the Circuit Court and County Court in and for Leon County, Florida, adopt the foregoing Administrative Order with respect to those felony cases filed in our respective divisions of the Criminal Justice Division of the Circuit Courtand Leon County Court..

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CATEGORY I

OFFENSE	FLORIDA STATUTE	MISD. DEGREE	BOND AMOUNT
CARRYING A CONCEALED WEAPON	790.01	1st	$150
CRIMINAL MISCHIEF (Under $200)	806.13	2nd	$150
CRIMINAL MISCHIEF ($201-$1,000)	806.13	1st	$250
DISORDERLY INTOXICATION	856.011	2nd	$100
GAMBLING	849.08	2nd	$250
LOITERING OR PROWLING	856.021	2nd	$100
PETIT LARCENY (Retail,Theft, Shoplifting)	812.021	2nd	$100
PROSTITUTION	796.07	2nd	$500
POSS. LESS THAN 20 GRAMS OF CANNABIS	893.13	1st	$250
THEFT, PETIT	812.014(2)(c)		
a. First Offense		2nd	$100
b. Second Offense		1st	$250
UNAUTHORIZED TEMPORARY USE OF MOTOR VEHICLE, AIRCRAFT, BOAT OR BOAT MOTOR	812.041	1st	$250
USING INDECENT OR OBSCENE LANGUAGE	847.05	2nd	$ 25
TRESPASS ON PROPERTY OTHER THAN STRUCTURE OR CONVEYANCE	819.09	1st	$ 50

CRIMINAL TRAFFIC AND DRIVER LICENSE OFFENSES

RECKLESS DRIVING	316.192	$ 60 or $240 or $500
MAKING FALSE REPORTS	316.097	$ 20 or $240 or $500
VIOLATION OF CHAPTER 520-VEHICLE license plates		$ 20 or $240 or $500
IMITATION OF HIGHWAY PATROL VEHICLES	321.02	$500

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CATEGORY I

OFFENSE	FLORIDA STATUTE	MISD. DEGREE	BOND AMOUNT
VIOLATIONS OF CHAPTER 322-DRIVER LICENSE			$ 20 or $240 or $500
VIOLATIONS OF CHAPTER 323, PART I, MOTOR CARRIERS			$500
VIOLATIONS OF CHAPTER 323, PART II FREIGHT FORWARDING ACT			$240
LEAVING SCENE OF ACCIDENT WHERE THERE IS VEHICLE DAMAGE	316.061		$200 or $340 or $500
ALL ORDINANCE VIOLATIONS NOT INVOLVING VIOLENCE OR THREATS OF VIOLENCE TO ANOTHER HUMAN BEING			

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CATEGORY I

OFFENSE	FLORIDA STATUTE	FELONY DEGREE	BOND AMOUNT
BIGAMY	826.03	3rd	$1,000
BOOKMAKING	849.25	3rd	$1,000
FAILURE TO RE-DELIVER A HIRED VEHICLE	817.52(3)	3rd	$1,000
GRAND THEFT	812.014(2)(b)	3rd	$1,000
GRAND THEFT (over $20,000)	812.014(2)(a)	2nd	$2,500
KEEPING GAMBLING HOUSE	849.01	3rd	$1,000
LOTTERY	849.09(1)(a-d)	3rd	$1,000
OBTAINING PROPERTY BY WORTHLESS CHECK	832.05	3rd	$1,000
OBTAINING PUBLIC ASSISTANCE FRAUD	409.325(1)	3rd	$1,000
OBTAIN. UNEMPLOYMENT COMP. BY FRAUD	443.22(1)	3rd	$1,000
CREDIT CARD FRAUD	817.481(3)(a) or 817.61	3rd	$1,000
FORGERY	831.01	3rd	$1,000
FORGERY, UTTERING	831.02	3rd	$1,000
INSURANCE FRAUD	817.234	3rd	$1,000

FELONY TRAFFIC & DRIVER LICENSE OFFENSES

UNAUTHORIZED USE/POSS. OF D/L	322.212	3rd	$1,000

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CATEGORY II

OFFENSE	FLORIDA STATUTE	MISD. DEGREE	BOND AMOUNT
AFFRAY	870.01	1st	$ 250
ASSAULT	784.011	2nd	$ 150
BATTERY	784.03	1st	$ 250
CRIMINAL TRAFFIC AND DRIVER LICENSE OFFENSES			
FLEEING POLICE OFFICER	316.1935		$ 20 or $ 240 or $ 500
DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER CONTROLLED SUBSTANCE	316.193		$ 200 or $ 340 or $ 500
LEAVING SCENE OF ACCIDENT WHERE THERE IS VEHICLE DAMAGE	316.061		$ 200 or $ 340 or $ 500
REFUSING TO OBEY POLICE OFFICER OR FIREMAN	316.072(3)		$ 20 or $ 240 or $ 500
ALL ORDINANCE VIOLATIONS HAVING VIOLENCE OR THREATS OF VIOLENCE ON HUMAN BEING			

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CATEGORY II

OFFENSE	FLORIDA STATUTE	FELONY DEGREE	BOND AMOUNT
BRIBERY	838.015	3rd	$1,000
BURGLARY, ATTEMPTED	777.04(4)(c)	3rd	$1,000
BURGLARY, CONVEYANCE	810.02(3)	3rd	$1,000
BURGLARY, STRUCTURE	810.02(3)	3rd	$2,000
BURGLARY, DWELLING	810.02(3)	3rd	$5,000
CARRYING CONCEALED FIREARM	790.01(2)	3rd	$1,500
CONSPIRACY	777.04(4)(b)	2nd	$2,500
CONSPIRACY	777.04(4)(c)	3rd	$1,000
CRIMINAL MISCHIEF($1,000)	806.13	3rd	$1,000
DEALING IN STOLEN PROPERTY	812.019	2nd	$2,500
PERJURY	837.02 or 837.021	3rd	$1,000
POSS. BURGLARY TOOLS	810.06	3rd	$1,000
POSS. FIRE BOMBS	806.111	3rd	F/A/R
TRESPASS, ARMED --WEAPON	810.09	3rd	$1,000
TRESPASS, ARMED --FIREARM	810.09	3rd	F/A/R
FELONY DRUG OFFENSES			
SALE/DELIVERY DRUGS CONTROLLED BY 893.03(1)(c),(2)(c),(3) or(4)	893.13(1)(a)(2)	3rd	$1,000
ALL OTHER 3rd DEGREE FELONY DRUG OFFENSES (Look at type of drugs)			$1,000
FELONY TRAFFIC & DRIVER LICENSE OFFENSES			
LEAVING SCENE OF ACCIDENT WHERE THERE IS PERSONAL INJURY TO ANOTHER	316.027	3rd	$1,000

F/A/R = FIRST APPEARANCE REQUIRED

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CATEGORY III

OFFENSE	FLORIDA STATUTE	FELONY DEGREE	BOND AMOUNT
AGGRAVATED ASSAULT	784.021	3rd	$1,000
AGGRAVATED BATTERY	784.045	2nd	F/A/R
CONSPIRACY	777.04(a)	1st	$5,000
BOMB THREAT	790.162	2nd	F/A/R
BOMB, FALSE REPORT	790.163	2nd	$2,500
BURGLARY, DWELLING OR OCCUPIED STRUCTURE	810.02(3)	2nd	F/A/R
CARNAL INTERCOURSE WITH CHASTE MINOR	794.05	2nd	F/A/R
CHILD ABUSE	827.04(1)	3rd	$1,000
CHILD ABUSE, AGGRAVATED	827.03	2nd	F/A/R
EXTORTION	836.05	2nd	$2,500
FAILURE OF DEFENDANT ON BOND TO APPEAR	843.15(1)(a)	3rd	NONE
FALSE IMPRISONMENT	787.02	3rd	$1,000
INCEST	826.04	3rd	F/A/R
LEWD ASSAULT UPON OR ACT IN PRESENCE OF MINOR	800.04	2nd	F/A/R
OBSCENE PHOTOS, MINOR PARTICIPATING	847.014	2nd	$2,500
POSS. FIREARM BY FELON	790.23	2nd	$2,500
PROCURING MINOR FOR PROSTITUTION	796.03	2nd	$2,500
PREVENTING/OBSTRUCTING EXTINGUISHMENT OF FIRE	860.10	3rd	$1,000
REMOVING CHILD FROM STATE CONTRARY TO COURT ORDER	787.04	3rd	F/A/R
SHOOTING INTO BUILDINGS OR OCCUPIED VEHICLES	790.19	2nd	F/A/R
THREAT UNLAWFUL HARM TO PUBLIC SERVANT OR FAMILY	838.021(3)(b)	3rd	F/A/R
FELONY DRUG OFFENSES			
SALE/DELIVERY HEROIN, COCAINE, OPIUM MORPHINE OR OTHER DRUG PROHIBITED BY 893.03(1)(a), (1)(b), (2)(a), (2)(b)	893.13(1(A)(1)	2nd	F/A/R
CRIMINAL TRAFFIC AND DRIVER LICENSE OFFENSES			
LEAVING SCENE OF ACCIDENT WHERE THERE IS DEATH OR PERSONAL INJURY (A FELONY)	316.027		F/A/R

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CATEGORY IV

OFFENSE	FLORIDA STATUTE	FELONY DEGREE	BOND AMOUNT
ARSON, 1st DEGREE	806.01(1)	1st	F/A/R
MANSLAUGHTER	782.07	2nd	$5,000
BOMB, THROWING OR DISCHARGING OR POSSESSION WITH INTENT TO HARM	790.161(1)	2nd	F/A/R
BOMB, THROWING OR DISCHARGING OR POSSESSION RESULTING IN HARM OR DAMAGE	790.161(3)	1st	F/A/R
BURGLARY, ARMED OR W/ASSAULT	810.02(1)	1st	NONE
ESCAPE	944.40	2nd	NONE
MURDER, 1st DEGREE	782.04(1)(a)	Capital	NONE
MURDER, 2nd DEGREE	782.04(2)(3)	Life	NONE
MURDER, 3rd DEGREE	782.04(4)	2nd	F/A/R
BATTERY ON A POLICE OFFICER	784.07	3rd	$1,000
ROBBERY, FIREARM OR DEADLY WEAPON	812.13(2)(a)	Life	NONE
ROBBERY, ARMED W/NON-DEADLY WEAPON	812.13(2)(b)	1st	F/A/R
ROBBERY, STRONGARM	812.13(2)(c)	2nd	$2,500
RESISTING OFFICER w/VIOLENCE	843.01	3rd	$1,000
SEXUAL BATTERY (VICTIM UNDER 11 YRS.)	794.011(2)	Capital	NONE
SEXUAL BATTERY	794.011(3)(4)	1st	F/A/R/
SEXUAL BATTERY	794.011(5)	2nd	F/A/R
VIOLATION OF PROBATION/PAROLE			NONE
KIDNAPPING	787.01	Life	NONE
FELONY DRUG OFFENSES			
TRAFFICKING	893.135	1st	F/A/R
SALE/DELIVERY HEROIN, COCAINE, OPIUM, MORPHINE, OR OTHER DRUG PROHIBITED BY 893.03(1)(a),(1)(b),(2)(a),(2)(b)	893.13(1)(c)(1)	1st	F/A/R
FELONY TRAFFIC AND DRIVER LICENSE OFFENSES			
VEHICULAR HOMICIDE	782.071	3rd	F/A/R
DWI MANSLAUGHTER	860.01	2nd	F/A/R
FUGITIVE FROM JUSTICE			NONE
ALL SENTENCED INMATES			NONE
HOLD FOR OTHER AGENCIES			NONE

F/A/R = FIRST APPEARANCE REQUIRED

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IN THE COUNTY COURT, IN A
FOR LEON COUNTY, FLORIDA

TRAFFIC DIVISION

ADMINISTRATIVE ORDER NO. 87-1

IN RE: PRE-TRIAL RELEASE

All persons arrested and charged with criminal traffic offenses and delivered to the custody of the Sheriff at the Leon County Jail have the right to appear in front of a judge at a first appearance hearing for, among other things, the setting of an appropriate bail amount.

In lieu of a first appearance hearing, all persons so charged may be released as follows, subject to the exception of Part IV of this Order:

PART I

If arrested on a warrant signed by a judge, release may be accomplished by posting bond or otherwise complying with the conditions of release, if any, endorsed on the warrant by the judge.

PART II

By posting cash or an approved surety or property bond in the following amount:

		License Tag & Registration Offenses		
320.02(6)	-	Fraud-Insurance Proof	2°	$350
320.02(5)(c)	-	Counterfeiting Inusurance Card	1°	$350
320.061	-	Altering Plate or Sticker	2°	$150
320.07	-	Expiration of Registration more than 4 months	2°	$ 75
320.0898	-	Fraud, Obtaining Special License Plate	2°	$ 75
320.131	-	Unlawful Use of Temporary Tag	2°	$ 75
320.261	-	Tag on Wrong Vehicle	2°	$150
		Sticker on Wrong Tag	2°	$150
All other offenses constituting a misdemeanor under Chapter 320, Florida Statutes	-			$250
		Driver License Offenses		
320.03(5)(b)	-	Expiration - more than 4 months	2°	$250
322.16	-	Violation of Restrictions	2°	$ 75
322.18(8)(e)	-	Possession of Forged, Stolen, Counterfeit License or Renewal Sticker	2°	$150

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Driver License Offense (Con't)

322.212(5)	--	False Age in Application	2°	$ 75
322.273	-	Violation of Bus. License	2°	$250
		Violation of Bus. License - 2nd or subsequent	1°	$1000
322.32	-	Unlawful Use of License	2°	$250
322.34(1)	-	D/W/L/S/R - 1st Offense	2°	$250
		D/W/L/S/R - 2nd Offense or subsequent	1°	$500
		D/W/L/S/R - for DUI - 1st Offense	2°	$500
		D/W/L/S/R - for DUI - 2nd Offense or sub.	1°	$1000
322.34(2)	-	D/W/L/S/R as Habitual Offender	1°	$1000
322.36	-	Permitting Unauthorized Person to Drive	2°	$ 75
318.14(3)	-	Refusing to Sign Citation	2°	$ 75

All other driver license offenses constituting a misdemeanor under Chapter 322, Florida Statutes - $500

Other Criminal Offenses

316.193	-	DUI (1st Offense)	$500
316.061	-	Leaving scene - attended property	$1000
316.1935	-	Fleeing or Attempting to Elude	$1000
316.192	-	Reckless Driving	$250
316.067	-	False Accident Report	$250
316.072(3)	-	Refusing to comply with lawful order	$250
316.545(1)	-	Obstructing an Officer	$250

PART III

Any person arrested on any of the offenses listed in PART II above may be released on terms and conditions established by the Leon County Pre-Trial Release Program that may or may not include a cash, surety or property bond pursuant to the provisions of Circuit Court Administrative Order No. 4, Criminal Division, dated

PART IV

The following persons are not eligible for relese under PART II or III and must appear at the next first appearance hearing when:

1. The terms of release are not established and endorsed on an arrest warrant.

2. The arresting officer, in writing or the State Attorney in writing or by phone, with notation made of time and person calling, requests release be denied pending first appearance hearing.

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