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09/08/2004 at 09:42 AM, BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA.

OFFICE OF THE CHIEF JUDGE

AMENDED ADMINISTRATIVE ORDER 2003-8

IN RE: UNIFORM BOND SCHEDULE AND PROCEDURES FOR SETTING BOND

Whereas, on or about January 13, 2000, a uniform bond schedule took effect in Leon County which is utilized for booking defendants based on arrests by police officers and deputy sheriffs in Leon County; and

Whereas, in order to establish a circuit-wide bond schedule and procedures for setting bond, it is

ORDERED that the following procedures are implemented for setting bond of defendants housed at facilities in Leon, Gadsden, Franklin, Jefferson, Liberty and Wakulla Counties.

I. Arresting Officer - Function at Booking Desk

1. The arresting officer shall complete all information on the Arrest/Probable Cause Affidavit/Short Offense Report Form setting forth the statute number and the degree of the crime for which the defendant is charged, together with a short statement of the facts involved in the alleged crime.

2. The arresting officer shall specifically ask the defendant for his/her current residence address. The arresting officer shall not rely on any identification documents furnished by the defendant unless the defendant is unable to verbally advise the officer of the address. The name and address of the defendant shall be listed on the Arrest/Probable Cause Affidavit/Short Offense Report Form.

3. The arresting officer shall leave the bond portion of the Arrest/Probable Cause/Short Offense Report Form blank unless the defendant was arrested on a warrant, in which case the bond set on the warrant shall be entered.

4. For any arrest which has been made based upon probable cause with no warrant involved and when the arresting officer has specific reason(s) to believe that a bond in an amount higher or lower than the amount established pursuant to this administrative

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order should be set, the arresting officer may personally contact a judge. The judge may set a bond outside the provisions of this administrative order. The arresting officer shall enter the amount of bond as set by the judge on the Arrest/Probable Cause Affidavit/Short Offense Report Form specifically annotating the name of the judge who set the bond amount.

II. Booking Officer - Function

1. For the purpose of this administrative order, the term "booking officer" shall mean the employee of the receiving facility who receives the defendant from the arresting officer.

2. The booking officer shall specifically ask the defendant to verify his/her current residence address. The booking officer shall not rely on any address listed on any identification documents in the possession of the defendant unless the defendant is unable to verbalize his/her address.

3. If the arrest is based on a warrant, the booking officer shall confirm that the bond on the warrant has been correctly placed on the Arrest/Probable Cause Affidavit/Short Offense Report Form and, if not, enter the bond set out in the warrant.

4. If the defendant is being booked by virtue of an arrest based on probable cause, the booking officer shall enter the bond amount on the Arrest/Probable Cause Affidavit/Short Offense Report Form in the space provided for that purpose.

5. In all counties except Leon County, the booking officer will determine for all felony arrests and all misdemeanor arrests involving actual or threatened violence, whether the defendant is on felony supervision (i.e. community control or probation) or is on bond or pretrial release for pending felony charges. In Leon County, the pretrial release officer will make this determination. No defendant in these categories is to be released prior to this determination being made absent a contrary ruling by a judge of competent jurisdiction.

6. With every defendant, except as set out in section IV. (Exceptions), the booking officer shall follow the recommended bond set forth by this administrative order for the particular degree of crime charged unless the booking officer determines as follows:

(a) That a lower bond or ROR is more appropriate than the recommended bond in which case the booking officer may set the bond to the lower end of the bond schedule; or

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(b) That a higher bond is more appropriate than the recommended bond based on the guidelines set forth in this administrative order in which case the booking officer may set a higher bond up to the maximum allowable pursuant to this administrative order. In order to increase the bond the booking officer must specifically set out, in writing on the Arrest/Probable Cause/Affidavit/Short Offense Report Form , one or more of the aggravating factors enumerated below; or

(c) That the arresting officer has contacted a judge pursuant to Section I.4 above and a judge has set a bond different from the bond recommended by this order.

7. Aggravating factors which the booking officer is permitted to consider when an increase in the recommended bond amount is contemplated are the following:

(a) The defendant cannot provide a local address or a permanent place of residence in the county when he/she was arrested;

(b) The defendant has a serious prior criminal record;

(c) The defendant is on legal supervision under circumstances other than as set out in Section IV. below;

(d) There are outstanding warrants and/or holds for the defendant from this or any other jurisdiction;

(e) The arresting officer or booking officer has reason to believe that, should the defendant be released, bodily injury may be inflicted upon the alleged victim or another by the defendant; or

(f) The arresting officer or booking officer has reason to believe that, should the defendant be released from custody, the defendant would not return to court when summoned based on a history of failure to appear.

III. Range of Bond - Recommended Amount

Attached to and incorporated herein as Appendix A to this administrative order

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is a listing of ranges of bonds for each degree of felony, misdemeanor, criminal traffic, and arrested municipal ordinance violations.

For offenses added to the statute subsequent to the date of this order, these ranges of bonds will be used for the new offenses unless excepted out in a subsequent administrative order.

IV. Exceptions

Defendants in the following categories shall be held without bond pending a first appearance hearing:

1. All felony arrests and all misdemeanor arrests involving actual or threatened violence when the defendant is on felony supervision (i.e. community control or probation) or is on bond or pretrial release for pending felony charges;

2. All crimes of domestic violence as defined in Section 741.28, Florida Statutes;

3. Any violation of domestic violence injunction (Section 741.30(8)(b), Florida Statutes);

4. Any violation of an injunction for repeat violence (Section 784.046(9)(b), Florida Statutes);

5. Any violation of pretrial release where the original arrest was for an act of domestic violence (Section 741.29(6), Florida Statutes).

V. Termination of Administrative Order

Administrative Order 2000-1, In Re Uniform Bond Schedule And Pretrial Release - Leon County, dated January 13, 2000, is hereby terminated.

DONE AND ORDERED at Tallahassee, Leon County, Florida, this 24th day of August, 2004.

Charles A. Francis

CHARLES A. FRANCIS
Chief Circuit Judge

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Copies furnished to:

All Circuit and County Judges, 2d Judicial Circuit
All Clerks of Circuit Court, 2d Judicial Circuit
All Law Enforcement Agencies, 2d Judicial Circuit
All Detention Facilities, 2d Judicial Circuit
Leon County Pre-Trial Release Program

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APPENDIX A

Category of Crime	Low Bond	High Bond	Recommended
1. Capital Felony Life Felony	None $100,000	None None	None None
2. *Exceptions See Below			
3. 1st Degree Felony P. B. Life	50,000	None	150,000
Other Exception: 2nd Degree Murder F.S. 782.04(2)(3)	50,000	None	None
4. 1st Degree Felony Other than P.B. Life *Exception, See Below	10,000	100,000	50,000
5. 2nd Degree Felony *Exception, See Below	2,000	20,000	5,000
6. 3rd Degree Felony *Exception, See Below	ROR	7,500	2,500
7. 1st Degree Misd. *Exceptions, See Below	ROR	500	150
Other Exceptions: DUI-Prop. Damage F.S. 316.193(3)(c)1	250	1,500	500
BUI-Prop. Damage F.S. 327.35(3)(c)1	250	1,500	500
Non-Domes.Stalking F.S. 784.048(2)	250	1,500	500
Failure To Appear F.S. 843.15(1)(b)	250	1,500	500
Prostitution Offenses 2nd&sub.off/FS 796.07	50	500	250

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Category of Crime	Low Bond	High Bond	Recommended
8. 2ND Degree Misd. *Exceptions, See Below Other Exception: Disorderly Intox. F.S. 856.011	ROR 50	250 250	ROR 100
9. Criminal Traffic Exceptions: DUI - No Prop. Dam. F.S. 316.193(2) BUI - No Prop. Dam F.S. 327.35(2)(a)	ROR 50 50	250 500 500	ROR 250 250
10. Municipal Ord. Violations	ROR	250	ROR

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