20240000145 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 5914 PG: 1573, 01/02/2024 at 02:31 PM,
GWEN MARSHALL, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2023-03

(Rescinding 2018-06 and 2019-05)

IN RE: UNIFORM BOND SCHEDULE AND PRETRIAL RELEASE PROCEDURES

WHEREAS, the Florida Legislature amended section 903.011, Florida Statutes, to require the Florida Supreme Court to adopt a Uniform Statewide Bond Schedule ("bond schedule"); and

WHEREAS, in compliance with section 903.011, Florida Statutes, on December 12, 2023. the Florida Supreme adopted a bond schedule in Administrative Order AOSC23-88, effective January 1, 2024; and

WHEREAS, Florida Rule of Criminal Procedure 3.131 provides that 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 or a violation of a municipal or county ordinance 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; and

WHEREAS, the bond schedule applies when police or county jail staff or pretrial release employees exercise their discretion to release a person on bond before that person's first appearance hearing; and

WHEREAS, the bond schedule stated herein shall not bind a judge in an individual case who is conducting a first appearance hearing or bail determination; and

WHEREAS, the Chief Judge of a judicial circuit may establish a local bond schedule that adds conditions of release and/or increases the bond amounts above those required by the bond schedule established in AOSC 23-88;

IT IS THEREFORE ORDERED that Administrative Orders 2018-06 and 2019-05 are rescinded and that the bond schedule and pretrial release program procedures set forth below are hereby adopted for the Second Judicial Circuit effective January 1, 2024, as follows:

I. CIRCUIT-WIDE UNIFORM BOND SCHEDULE

1. Pursuant to section 903.011(6), Florida Statutes and Supreme Court AOSC23-88, a person may not be released before his or her first appearance hearing . . . if the person meets any of the following criteria:

   a. The person was, at the time of arrest for any felony, on pretrial release, probation, or community control in this state or any other state;

   b. The person was, at the time of arrest, designated as a sexual offender or sexual predator in this state or any other state;

   c. The person was arrested for violating a protective injunction;

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d. The person was, at the time of arrest, on release from supervision under sections 947.1405, 947.146, 947.149, or 944.4731, Florida Statutes;

e. The person has, at any time before the current arrest, been sentenced pursuant to section 775.082(9) or section 775.084, Florida Statutes, as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

f. The person has been arrested three (3) or more times in the six (6) months immediately preceding his or her arrest for the current offense; or,

g. The person's current offense of arrest is for one or more of the following crimes:

i. A capital felony, life felony, felony of the first degree, or felony of the second degree;

ii. A homicide under chapter 782, Florida Statutes, or any attempt, solicitation, or conspiracy to commit a homicide;

iii. Assault in furtherance of a riot or an aggravated riot; felony battery; domestic battery by strangulation; domestic violence, as defined in section 741.28, Florida Statutes; stalking; mob intimidation; assault or battery on a law enforcement officer; assault or battery on juvenile probation officer, or other staff of a detention center or commitment facility, or a staff member of a commitment facility, or health services personnel; assault or battery on a person 65 years of age or older; robbery; burglary; carjacking; or resisting an officer with violence;

iv. Kidnapping, false imprisonment, human trafficking, or human smuggling;

v. Possession of a firearm or ammunition by a felon, violent career criminal, or person subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking;

vi. Sexual battery; indecent, lewd, or lascivious touching; exposure of sexual organs; incest; luring or enticing a child; or child pornography;

vii. Abuse, neglect, or exploitation of an elderly person or disabled adult;

viii. Child abuse or aggravated child abuse;

ix. Arson; riot, aggravated riot, inciting a riot, or aggravated inciting a riot; or a burglary or theft during a riot;

x. Escape; tampering or retaliating against a witness, victim, or informant; destruction of evidence; or tampering with a jury;

xi. Any offense committed for the purpose of benefitting, promoting, or furthering the interests of a criminal gang;

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xii. Trafficking in a controlled substance, including conspiracy to engage in trafficking in a controlled substance;

xiii. Racketeering; or,

xiv. Failure to appear at required court proceedings while on bail.

2. Pursuant to section 903.047(1)(a), Florida Statutes, and Florida Rule of Criminal Procedure 3.131(a), an arrested person released from jail before trial must refrain from criminal activity of any kind and must refrain from any contact of any type with the victim, except through pretrial discovery. A violation of either of these conditions of pretrial release subjects the arrestee to revocation of bond.

3. Each crime of arrest requires a separate bond pursuant to section 903.02(4), Florida Statutes, and Florida Rule of Criminal Procedure 3.131(b)(2). The bond schedule below is effective beginning January 1, 2024, and must be used by the police, county jail or pretrial release employees upon a person's arrest:

a. For persons arrested for a crime listed in section 903.011(6), Florida Statutes, or who meet the criteria in section 903.011(6), Florida Statutes.	Bond: None First Appearance Required
b. For persons not covered by number 3.a., arrested for a third-degree felony that involves any amount of force or threat of force against a person.	Bond: $5,000
c. For persons not covered by number 3.a., arrested for a third-degree felony that does not involve any force or threat of force against a person.	Bond: $2,500
d. For persons not covered by number 3.a., arrested for a first-degree misdemeanor or an ordinance punishable like a first degree misdemeanor, that involves any amount of force or threat of force against a person.	Bond: $1,000
e. For persons not covered by number 3.a., arrested for a first-degree misdemeanor or an ordinance punishable like a first degree misdemeanor, that does not involve any force or threat of force against a person and that is not driving under the influence or boating under the influence.	Bond: $500
f. For persons not covered by number 3.a., arrested for a second-degree misdemeanor or an ordinance punishable like a second	Bond: $250

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degree misdemeanor, that involves any amount of force or threat of force against a person.

g. For persons not covered by number 3.a., arrested for a second-degree misdemeanor or an ordinance punishable like a second degree misdemeanor, that does not involve force or threat of force against a person and that is not driving under the influence or boating under the influence. — Bond: $150

h. For persons arrested for driving under the influence or boating under the influence. — Bond: None, First Appearance Required

i. Any felony offense in which the defendant is alleged to have actually possessed or discharged a firearm. — Bond: None, First Appearance Required

4. If a person arrested is eligible for bond under this bond schedule, but the police, county jail, or pretrial release employees are unable to determine their status under section 903.011(6), Florida Statutes, the defendant shall be required to attend a first appearance hearing.

II. WARRANTS

Bond for persons arrested on a warrant will be set as follows:

1. Arrest Warrants:
   a. In the amount provided for in the warrant itself.
   b. If the warrant is silent as to a bond amount, then the bond will be set in accordance with the provisions of this administrative order's circuit-wide bond schedule.

2. Violation of Probation or Failure to Appear Warrants:
   a. In the amount provided for in the warrant itself.
   b. If the warrant is silent as to a bond amount, then there will be no bond and first appearance is required.

3. If the warrant indicates a bond amount, but the police, county jail, or pretrial release employees determine there is additional information that may impact the set bond amount, the arrestee will be required to appear at the first appearance hearing.

III. GENERAL PROVISIONS

For the purposes of this administrative order, the booking officer or pretrial release officer shall be responsible for collecting information from each defendant for use in determining eligibility for bond pursuant to this bond schedule or for the judge at first appearance.

IV. LEON COUNTY SUPERVISED PRETRIAL RELEASE PROGRAM (SPRP)

An officer of the Leon County Supervised Pretrial Release Program (SPRP) shall be on duty at the Leon County Detention Center every day, twenty-four hours a day. The pretrial release officer, along with the booking officer, shall be responsible for collecting information from each defendant for use in determining eligibility for bond pursuant to this bond schedule or for the judge's use at first appearance.

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In addition, the conditions of SPRP include:

a. The defendant must stay in regular contact with his or her pretrial release officer as required by the officer.

b. The defendant must immediately inform his or her pretrial release officer of any change the defendant's address or other contact information.

c. Pretrial release officers have the authority to enforce a defendant's court-ordered conditions of release under the SPRP.

d. If any defendant released under the supervision of the SPRP violates any of the conditions of release, the officer shall prepare an affidavit and a proposed order to show cause why the defendant's pretrial release should not be revoked. The affidavit and proposed order to show cause shall be presented to the assigned trial judge.

e. Emergency situations during non-business hours, as determined by the pretrial release officer, shall be presented to any available judge. Any individual arrested under the emergency procedures must be brought before a judge within 24 hours. Otherwise, violations of pretrial release conditions should be promptly presented to the judge having trial jurisdiction over the case.

"Emergency situations" shall be defined as circumstances necessary to protect the community from risk of personal injury, to assure the presence of the accused at trial, or to assure the integrity of the judicial process.

f. These procedures shall not be interpreted to extend or limit a law enforcement officer's authority to make a warrantless arrest for violating a condition of release.

V. COUNTIES NOT HAVING A SUPERVISED PRETRIAL RELEASE PROGRAM

Counties within the Second Judicial Circuit are authorized to develop separate procedures for a supervised pretrial release program, as approved by the Chief Judge, in consultation with the judges presiding over criminal matters in the respective county.

DONE and ORDERED in chambers in Tallahassee, Leon County, Florida, this 30th day of December, 2023.

FRANCIS J. ALLMAN
Chief Judge

Copies furnished to:
All Circuit and County Judges, Second Judicial Circuit
All Clerks of the Court, Second Judicial Circuit
Office of Court Administration, Second Judicial Circuit
Office of the State Attorney, Second Judicial Circuit
Office of the Public Defendant, Second Judicial Circuit
All Sheriff's, Second Judicial Circuit

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