

**AMENDED ORDER GOVERNING PRETRIAL RELEASE, PRETRIAL DETENTION,  
AND FIRST APPEARANCE PROCEEDINGS IN ORANGE COUNTY**

**WHEREAS**, this Order is to govern the administrative procedures needed to implement the laws of Florida and the Florida Rules of Criminal Procedure relating to pretrial release, detention of criminal defendants, and first/initial appearance proceedings (hereinafter referred to as “first appearance”); and

**WHEREAS**, this Order represents an effort to provide the most efficient, cost effective, and fair management of these matters consistent with applicable law and court rules; and

**WHEREAS**, this Order is the result of the cooperative and continuing efforts of representatives of various organizations which play a critical part in the criminal justice process, together with the recommendations contained in the report by the Jail Oversight Commission;

**NOW, THEREFORE, I**, Frederick J. Lauten, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, do hereby order that the following procedures, which originally became effective on October 7, 2003, are amended as follows, effective **immediately**, unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent:

**I. Judge Assignment to Hear Pretrial Matters:**

**A. When charges have been filed:**

If a charge (i.e., notice to appear, uniform traffic citation, information, or indictment) has been filed against a defendant, all pre-trial matters shall be determined by the judge assigned to preside over the defendant’s criminal trial, unless some other order or agreement between judges provides otherwise.

A jail judge may take a no contest or guilty plea to a misdemeanor or traffic case, at initial appearance, bond hearing or status hearing or arraignment and resolve the case if the defendant has requested to withdraw his/her not guilty plea and proceed to resolve the case. The jail judge at any of the above proceedings may otherwise exercise jurisdiction as appropriate in the judge’s discretion.

**B. When no charges have been filed:**

Before charges are filed, first appearance shall be performed by the jail judges. The first appearance shall be conducted by a judge. When the courthouse is closed, the emergency duty judge shall conduct the first appearance. The County Judges assigned to the jail will conduct first appearance proceedings and either one of them shall be considered the first appearance judge for the purpose of hearing all subsequent matters as needed to facilitate the orderly processing of cases, including but not limited to the setting or modification of bail on cases heard at first appearances or during emergency duty by other judges, the taking of pleas on misdemeanor or traffic cases, and the resolution of technical matters as deemed appropriate within the sound discretion of the judge. An initial appearance judge may exercise jurisdiction as appropriate in the judge's discretion, during the period between the initial appearance hearing and the arraignment as may be necessary to effectuate justice in misdemeanor and/or traffic cases.

1. For felony cases where charges have not been filed bond hearings and modifications of release conditions shall be heard by the Circuit Felony Division where the case is assigned.
2. For felony cases where charges have not been filed the adversarial preliminary hearing shall be heard by the assigned Circuit Division Judge.
3. For misdemeanor cases where charges have not been filed bond hearings, modifications, and adversarial preliminary hearings shall be heard by the County Jail Judges.

When a person is held pursuant to a pre-charge arrest warrant, all pretrial matters are to be decided as specified above, subject to the written conditions contained in the arrest warrant.

If a person is arrested and released from custody before first appearance, the County Jail Judges who are assigned on that particular day and time to preside over first appearances, are the judges responsible for conducting the first appearances within 24 hours after the defendant's arrest.

Orange County Jail personnel shall immediately contact the Court Administration 24 hour help line at (407) 836-0522 upon the booking of an individual who appears to need a sign language interpreter. Court Administration will make arrangements to provide the services of a sign language interpreter for initial appearance.

**C. Capacity of the Judge:**

All judges determining pre-charge motions are acting as circuit judges, and appeals shall be to the Fifth District Court of Appeal.

#### **D. Hearing of Motion to Set or Modify Bail by Alternate Judge or Chief Judge:**

1. In accordance with law, applications to set or modify bail are to be heard “promptly.” This Order contemplates a hearing will be held as soon as possible, but with due regard for the notice provisions of the Florida Rules of Criminal Procedure and any other factor properly considered to allow the parties to have a fair opportunity to present their case at the hearing. If a judge is not able to hold a hearing on a motion to set or modify bail within three (3) business days, the movant may seek a hearing before that judge’s alternate or the chief judge. The three-day period does not commence until filing of the motion and actual notice has been provided.

2. In those cases where the Information or Amended Information is filed between the time the bond hearing is noticed and the hearing or on the date of the hearing, the bond hearing shall proceed as previously scheduled at the discretion of the judge.

3. In order for a bond hearing to be properly noticed, the defendant and/or defendant’s counsel shall fax a copy of the notice and motion for the bond hearing to the State Attorney, the Office of Statewide Prosecutor, and to the Court pursuant to the procedures stated in the addendum attached hereto as “Attachment A.” However, such procedures may be subject to change, but will not require the issuance of an amended Administrative Order as long as any changes in the procedures are timely communicated to the Public Defender, the State Attorney, the Office of Statewide Prosecutor, the private defense bar, and any other interested persons.

#### **II. Establishment and Availability of Release Programs:**

**No person arrested for a capital crime, a felony punishable by life, a first degree felony punishable by up to life, or for any lewd or lascivious exhibition, lewd or lascivious molestation, lewd or lascivious battery, or other sexual act involving a minor, or for any failure of a person deemed to be a sexual predator to follow registration, reporting, and/or employment restrictions, pursuant to chapters 775 and 943 of the Florida Statutes, or for burglary of a structure or dwelling during a natural disaster/act of God, acts of terrorism, or war (i.e., looting during a state of emergency) shall be eligible for release under this section. These persons are to be held until first appearance, at which time the first appearance judge will decide conditions of release, if any. Any motion for bail or bond regarding defendants with the above outstanding charges, with the exception of burglary of a structure or dwelling during a natural disaster/act of God, acts of terrorism, or war (i.e., looting during a state of emergency), shall include the following information: attachment copy of charging affidavit and any other supporting documents; addresses and phone numbers of defendant; address and phone numbers of defendant’s employers; and any aliases of defendant. A copy of such motion shall be forwarded to the Department of Corrections at their designated office. A Form Order designed to assist the Court in making a bail determination is attached hereto as Attachment E.**

**A. Notice to Appear or Release on Own Recognizance (ROR):**

1. When a person is arrested for a misdemeanor of the first or second degree, a criminal traffic offense, or a violation of a municipal or county ordinance, except for charges relating to prostitution, domestic battery/domestic violence, violation of domestic battery injunctions, fleeing or attempting to elude a law enforcement officer, or driving under the influence, the accused shall be released at the scene of the arrest through the issuance of a Notice to Appear, except in those cases requiring mandatory booking pursuant to section II.A.2. of this Order below. In any case where persons are not booked into jail, the Notice to Appear form must include information stating the type of identification provided by the person arrested and right and left thumb prints of the person arrested. The arresting officer shall have the discretion, however, to book the accused person into the county jail if the officer determines that any of the following factors exist.

- a. The subject of the arrest is known by the arresting officer to be a habitual offender;
- b. The alleged crime is one of a violent nature or one which indicates a reckless disregard for the safety of others;
- c. The nature of the accused person is clearly violent or disorderly;
- d. The arresting officer has reason to believe that the accused person will repeat the offense if not detained;
- e. The accused person has no valid, verifiable address;
- f. The accused person does not reside in Orange County or a bordering county.
- g. The arresting officer has reason to believe that the accused person meets the criteria for the Baker Act, or the Marchman Act, or is a substance abuser, or suffers from a mental illness.

2. The accused person shall be booked into the county jail if any of the following circumstances exist:

- a. The accused person failed to sufficiently identify himself or herself or supply the necessary information for completion of the Notice to Appear or traffic citation;
- b. The accused person refused to sign the Notice to Appear;
- c. The arresting officer has reason to believe that the continued liberty of the accused person constitutes an unreasonable risk of bodily injury to others;
- d. The accused person has no ties with the jurisdiction sufficient to assure the accused's appearance at court or there is substantial risk that the accused will refuse to respond to the notice or citation;
- e. The arresting officer has a reasonable belief the accused person may be wanted in any jurisdiction;

f. The arresting officer has a reasonable belief that the accused person has previously failed to respond to a notice or summons or has violated the conditions of any pretrial release program; or

g. The accused person is arrested for prostitution or a prostitution related offense, including violations of probation involving the prostitution mapping zone.

3. If a person accused of a misdemeanor, criminal traffic offense, or violation of city or county ordinance is brought to the jail because the person failed to sufficiently identify himself or herself or supply the information necessary for completion of the Notice to Appear, or because it appeared to the arresting officer that the accused person had previously failed to respond to a notice or summons or had violated the conditions of any pretrial release program, Orange County Corrections staff shall begin a preliminary investigation to determine if the accused person is a likely candidate for release on his/her own recognizance. The investigation shall include the following facts:

a. The accused person provides residence information and currently resides in Orange, Seminole, Volusia, Brevard, Lake, Polk or Osceola County;

b. The accused person provides the name, address and phone number of an emergency contact;

c. The accused person provides current employment or student information or is a homemaker, retired or disabled;

d. The accused person is not exhibiting mental illness or behavior indicating he/she may cause harm to himself/herself or another.

4. After the accused person is booked and positively identified through AFIS, the Orange County Corrections staff shall make a final determination after reviewing the following information.

The accused person's local, state and national criminal history is reviewed for prior convictions and failures to appear. To be eligible for ROR the accused person must meet the criteria established by the Corrections Department.

5. Pursuant to above paragraph 3 and 4 of this subsection, once it is determined that the accused person is likely to appear as directed, the accused person shall be released upon the issuance of a Release on Own Recognizance (ROR) pursuant to Florida Rule of Criminal Procedure 3.125(c).

6. Any accused person booked into the Orange County Jail on a worthless check warrant may be released on his or her own recognizance once the Orange County Corrections staff determines the accused person is likely to appear based on the criteria set out in the above paragraphs 3, 4, and 5 of this Order.

7. Any accused person who is released on his or her own recognizance pursuant to this Order, shall receive a notice substantially stating the following:

“You are being released pursuant to administrative order because you have met the criteria for release. You have supplied an address to which all future court process will be sent. As a condition of your release, you must refrain from criminal activity of any kind and you must refrain from any contact with the alleged victim of the crime which you have been charged except through pretrial discovery if stipulated by all parties or if ordered by the Judge on a showing of good cause pursuant to Florida Rule of Criminal Procedure 3.220(h)(7). If you violate these conditions or fail to appear for any of your court dates, your recognizance status will be revoked and you may remain in jail or be required to post a substantial bond until your charges have been disposed.” You must notify the Clerk of Court if your address has been changed within 24 hours from the date the address has changed.

8. Extradition and Out-of-County Warrants:

a. When an inmate of the Orange County Jail has had all local charges cleared and is detained solely and exclusively on a warrant from another jurisdiction, the Corrections staff shall immediately teletype to the other agency that the inmate must be picked up by a date and time certain or he/she will be released from jail on ROR or bond, unless the agency requests an extension for good cause shown. The same procedure shall be followed by the Sheriff's Extradition Deputy for out-of-state fugitives where the inmate has waived extradition or has been ordered surrendered after habeas corpus proceedings have been completed and notice of appeal was not filed or the appeal was dismissed or affirmed.

b. The time periods shall not include Saturdays, Sundays, and holidays, and shall be as follows:

- (1) Inmates held for contiguous Florida counties, e.g.: Osceola, Seminole, Polk, Lake, and Brevard - 24 hours from Initial Appearance; with no local charges;
- (2) Inmates held for all other Florida counties - 72 hours from Initial Appearance with no local charges;
- (3) Inmates held for other states - 30 days from date of notification;

c. The telephone contact and teletype message from the Correctional Release Specialist or the Sheriff's Extradition Deputy shall provide a date and time certain for pickup.

d. If the time deadline passes without the pickup agency requesting an extension for good cause, the Corrections staff or the Sheriff's Extradition Deputy, as the case may be, will notify the Clerk of Court within 24 hours from the next business day to apply to the Judge conducting Initial Appearance hearings or to the weekend duty Judge for a written order of ROR or setting bond. If the inmate is held on a Florida warrant, the ROR order shall direct that he/she report to the proper court on a date and time certain; if the bond is set or reduced, the order shall direct that the inmate report to the court "when notified". If the inmate is held on an out-of-state charge, the order for ROR or setting bond shall direct that the inmate appear before the Judge conducting fugitive hearings when notified. The Corrections staff or the Sheriff's Extradition Deputy shall immediately notify the pickup agency contact person by teletype that this action was taken, and shall mail a copy of the order to the contact person.

9. The State Attorney or his designee has the authority to release pre-trial detainees without the approval of the court. Such authority shall extend only to those prisoners whom the State Attorney has determined shall not be prosecuted for the instant charged offense. The State Attorney's office may initiate such an order of release by notifying the Orange County Department of Corrections by telephone, and thereafter filing a written Notice of Release with the Chief Judge, the Clerk, and the Orange County Department of Corrections within one (1) day of the pre-trial detainee's release.

10. Nothing contained herein shall abrogate pretrial release, reduction of bond or other procedures established by Florida Law or Rule.

11. After an accused person has been booked into the Orange County Department of Corrections and the arresting agency determines that an error occurred and the accused should be released, then Orange County Department of Corrections will release the accused provided as follows: (1) that the accused person has been properly identified; (2) the accused person does not have any outstanding warrants or writs which would hold the accused on another matter; (3) the arresting agency files with Orange County Department of Corrections an affidavit requesting release which includes an explanation of the alleged error.

**B. Procedures for Notices to Appear:**

This section is in lieu of physical arrest and /or release on own recognizance after booking, for County or municipal ordinance violations, and first or second degree misdemeanors, except those related to traffic, when committed by persons over the age of 17 years.

**A COURT APPEARANCE IS MANDATORY FOR ALL NOTICES TO APPEAR THAT COULD RESULT IN A CRIMINAL CHARGE.**

In any case where persons are not booked into jail, the Notice to Appear form must include information stating the type of identification provided by the person arrested and right and left thumb prints of the person arrested.

1. Issuance and Intake Processing:

a. Before releasing a violator on a Notice to Appear, arresting officers will apply the criteria set forth in paragraphs (b) and (c) of Florida Rule of Criminal Procedure 3.125.

b. Before releasing a violator on ROR, Correctional staff will apply the criteria set for Section A, paragraphs 3, 4, and 5.

c. When a Notice to Appear is to be issued the following will be done by the arresting officer:

(1) Prepare an original and three copies of the Notice to Appear;  
(2) Give one copy to the arrestee after he has agreed to respond to the Notice to Appear and has signed the other three copies;

(3) Retain one copy, signed by arrestee, for his agency record;  
(4) Forward the original and one copy, signed by the arrestee and sworn to by the arresting officer before a Notary Public or deputy clerk, to the appropriate division of the Clerk's office, - as defined elsewhere in this Order;

(5) Prepare copies of Schedule of Witnesses and Evidence, retaining one copy and delivering the original and one copy to the appropriate division of the Clerk's Office in which the Notice to Appear is filed. (When no witnesses are known, the Schedule should be submitted showing "No Witnesses".);

(6) Provide in the Notice to Appear and/or the ROR for a court appearance date in accordance with Section V, B in the geographical area in which the offense occurred, as defined in Section IV of this Order.

(7) Upon issuance of Notices to Appear, the Notices to Appear and any accompanying paperwork shall be delivered to the Clerk of the Court at the geographically designated court facility;

d. When Notices to Appear are received by the Clerk's office, the following will be done:

(1) Upon receipt of a charge on Notice to Appear, retain the original of each Notice to Appear and Schedule of Witnesses and Evidence and send one copy of each to the prosecuting authority;

(2) Schedule for arraignment and assign to a Judge, who will handle all proceedings after arraignment;

(3) Receive payment of all fines and costs resulting from Notices to Appear.



2. Failure to Appear:

When a person signs a written Notice to Appear in the case at issue and fails to respond, a warrant of arrest shall be issued pursuant to Rule 3.121, Florida Rules of Criminal Procedure or a capias pursuant to Rule 3.730, Florida Rules of Criminal Procedure and that the minimum bond on either a capias or a warrant is set in the amount of \$2,000.00 as required by section 903.046(d), Florida Statutes.

3. Venues:

a. All Notices to Appear issued in Orange County shall be returnable to the Division of the County Court of Orange County located in the geographical area in which the offense occurred as specified in this Order.

b. All Notices to Appear issued in Osceola County will be returnable to the County Court of Osceola County in the Osceola County Courthouse, Kissimmee.

4. The individual county and municipalities shall promulgate internal rules/policies as to which ordinances shall be subject to these procedures as stated in the above paragraphs.

5. Functions, duties and authority delegated to the Clerk's office shall be as follows:

a. Receive and process all Notices to Appear issued for offenses committed within the geographical area of jurisdiction of the court served, as prescribed in section II of this Order.

b. Receive, receipt for, account for and distribute in accordance with section 34.191, Florida Statutes, and other applicable statutes, once sentenced by the Court, all fines and court costs assessed upon conviction or plea of guilty of offenses charged under Notices to Appear issued pursuant to Rule 3.125, Fla. R. Crim. P.

c. Accept an appearance and plea of "Not Guilty", in writing, in person or by an attorney, to a charge of committing a first or second degree misdemeanor offense, or a county or municipal ordinance violation, when a Notice to Appear was issued and have the case assigned for trial at a future date.

d. Receive motions for new hearings or in arrest of judgment pursuant to Florida Rules of Criminal Procedure, within prescribed time limits and notify the defendant or his counsel of the time scheduled for a hearing.

e. Maintain records of all cases processed, numbering and reporting for identification and statistical purposes, separately from cases disposed of in open court.

f. Issue a writ of habeas corpus, pursuant to Rule 3.750, Fla. R. Crim. P., for the arrest of any resident of this State, or any non-resident upon whom process may be served in this State, who fails to respond to a Notice to Appear lawfully served upon such person. The writ shall be directed to all law enforcement officers, state, county or municipal, in the State, and may be executed in any county in this State.

g. Notify the arresting agency of the disposition of the case.

h. Any additional duties or responsibilities as may be delegated by the Chief Judge of the Ninth Judicial Circuit.

**C. Orange County Pretrial Release Program (PTR):**

It is the policy of this State that persons committing serious criminal offenses, posing a threat to the safety of the community or the integrity of the judicial process, or failing to appear at trial be detained upon arrest. However, persons found to meet specified criteria shall be released under certain conditions until proceedings are concluded and adjudication has been determined.

The Orange County PTR Program is not a jail or Corrections program. Corrections only administers the program on behalf of the judiciary. The Orange County PTR Program provides low level supervision of accused persons while they await resolution of their charges. At a minimum, supervision consists of automated telephone reporting to confirm compliance with court conditions and stability of circumstances. The Orange County PTR Program may also address such issues as drug and alcohol abuse, via random testing, and may require face-to-face appointments, as a result of a PTR risk assessment or as ordered by the Court. The Orange County PTR Program provides a basic level of supervision, versus release of an individual on their own recognizance with no supervision whatsoever, for those who meet the criteria as established by this Order.

1. No accused person will be accepted into the Orange County PTR Program as contemplated by this Order if the accused person is charged with a dangerous crime as listed below. A dangerous crime means any of the following:

- a. Homicide;
- b. Manslaughter;
- c. Aggravated assault;
- d. Aggravated battery;
- e. Home invasion robbery;
- f. Robbery;
- g. Kidnapping;

- h. Stalking and aggravated stalking;
- i. Arson;
- j. Burglary of a dwelling including burglary with an assault, or battery, or armed burglary offenses pursuant to s. 810.02(2)a or b;
- k. Carjacking;
- l. Sexual battery offenses pursuant to s. 794.011;
- m. Child abuse or aggravated child abuse or neglect of a child offenses pursuant to s. 827.03(2);
- n. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years pursuant to s. 800.04, which includes lewd and lascivious battery, lewd and lascivious molestation, lewd and lascivious conduct, and lewd and lascivious exhibition;
- o. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority offenses pursuant to s. 794.05;
- p. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult offenses pursuant to s. 825.102;
- q. Aircraft piracy;
- r. Illegal use of explosives;
- s. Act of terrorism as defined in s. 775.30 (“terrorism” means an activity that:
  - (1)(a) Involves a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or
  - (b) Involves a violation of s. 815.06 (offenses against computer users); and
  - (2) Is intended to:
    - (a) Intimidate, injure, or coerce a civilian population;
    - (b) Influence the policy of a government by intimidation or coercion; or
    - (c) Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy);
- t. Manufacturing any substances in violation of chapter 893; and
- u. Attempting or conspiring to commit any such crime.

2. Pursuant to section 907.041(3)(b), Florida Statutes, no person shall be released on nonmonetary conditions under the supervision of a pretrial release service, unless the service certifies to the Court that it has investigated or otherwise verified:

- a. The circumstances of the accused person’s family, employment, financial resources, character, mental condition, and length of residence in the community;
- b. The accused person’s record of convictions, of appearances at court proceedings, or flight to avoid prosecution, or failure to appear at court proceedings; and

c. Other facts necessary to assist the court in its determination of the indigence of the accused person and whether she or he should be released under the supervision of the service; and additionally

3. The accused person must reside in or own real property in the State of Florida, and this fact must be verified by the Chief of Orange County Corrections or his/her designee(s).

4. No accused person will be accepted into the Orange County PTR Program as contemplated by this Order if the Orange County Jail finds that the accused person does not qualify pursuant to the criteria contained herein.

5. Pursuant to section 903.0351, Florida Statutes, in the instance of an alleged violation of felony probation or community control, bail or any other form of pretrial release shall not be granted prior to the resolution of the probation-violation hearing or the community-control-violation hearing to:

a. a violent felony offender of special concern as defined in s. 948.06;

b. a person who is on felony probation or community control for any offense committed on or after March 12, 2007, and who is arrested for a qualifying offense as defined in s. 948.06(8)(c); or

c. a person who is on felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b), a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for committing a qualifying offense as defined in s. 948.06(8)(c) on or after March 12, 2007.

However, Section II.C.5. of this Order shall not apply where the alleged violation of felony probation or community control is based solely on the probationer or offender's failure to pay costs or fines or make restitution payments.

6. Release under the Orange County PTR Program shall be conditioned on any reasonable condition set by the Court, which shall include a condition that the person comply with all orders of the Court, appear at all court hearings, refrain from any criminal activity, and if so ordered, refrain from contact with the alleged victim. If a person released under this program violates any condition of release or is arrested for a crime for which probable cause has been found by a judge, the program shall apply to the defendant's first appearance judge (if charges have not been filed) or the judge assigned to try the defendant's criminal case (if charges have been filed) to have his/her release revoked and have a warrant issued for his/her arrest. The person is not eligible for further release under this program, except by specific order of the Court.

7. If an accused person is ordered to bond **AND** PTR and it is determined that the accused does not meet the criteria for acceptance into the PTR Program, the jail must notify the judge who ordered bond and PTR, with copy to the administrative judge and the chief judge. The accused must then be brought before the assigned judge (*see* Section I.B. of this Order) to set new terms of release. If an accused person is ordered to bond **OR** PTR and it is determined that the accused does not meet the criteria for acceptance into the PTR Program, and the accused person does not bond out within 24 hours after bond is set, the jail must notify the judge who ordered bond or PTR, with copy to the administrative judge and the chief judge. The accused must then be brought before the assigned judge (*see* Section I.B. of this Order) to set new terms of release.

No accused person will be released to PTR who does not qualify regardless of any other condition set in conjunction therewith.

8. If and when the PTR Program reaches capacity as determined by the Chief of Corrections in consultation with the Chief Judge, the Chief of Corrections shall have the authority to refuse admittance of anyone into the Program until such time as space becomes available.

**D. Orange County Mental Health Pretrial Release (MH/PTR):**

Any accused person may be released into the Orange County Mental Health Pretrial Release Program after first appearance provided that:

1. The Orange County Mental Health Pretrial Release Program certifies at first appearance to the court that it has investigated or otherwise verified to the best of its ability that the accused person currently is suffering symptoms from a severe and persistent mental illness under the current Diagnostic and Statistical Manual of Mental Disorders and/or co-occurring mental health and substance abuse disorders, and provides to the court a preliminary treatment plan to meet the individual's needs and that the arrestee is an Orange County Resident or the individual can access the appropriate treatment services in an adjacent county.

AND THAT,

2. The accused person must meet the following qualifications:

a. The accused person does not have any current charges for driving under the influence or have current charges or a prior conviction for murder, attempted murder, sex crimes, home invasion, crimes against children, car-jacking, aggravated battery, or any other capital life felonies;

b. The accused person has not served a sentence in a state or federal correction system, excluding county jails, within the past 5 years;

c. The accused person has not been found guilty of a violent felony within the past 5 years;

d. The accused person must reside in Orange County (some exceptions apply for Seminole & Osceola counties);

e. If the accused person is on community control or probation, approval must be granted from the officer supervising the accused person;

f. Violation of probation must also have probation officer's approval;

g. Any accused person with an active domestic violence injunction/protection order, or currently charged with domestic violence must have victim input.

Only persons arrested for misdemeanors (traffic and non-traffic), ordinance violations, and third and second degree felonies of a nonviolent and non-dangerous nature are eligible for release under this program. An arrestee shall not be released without the judge's authority under this program if any law enforcement officer or the State Attorney has communicated his or her objection to release under this program. Pursuant to section 907.041(4)(b), Florida Statutes, no person charged with a dangerous crime shall be granted non-monetary mental health pretrial release at an initial appearance hearing; however, the court shall retain discretion to release an accused on electronic monitoring or on recognizance bond if the findings on the record of facts and circumstances warrant such a release.

Release under this program shall be conditioned on any reasonable recommendation requested by the Chief of Orange County Corrections, and accepted and set by the Court before release, which shall include a condition that the person comply with all orders of the court, appear at all court hearings, refrain from any criminal activity, and refrain from contact with the alleged victim. If a person meets the guidelines for participation in the Mental Health Pretrial Release Program, he/she may be required to obtain a mental health evaluation through the designated provider and participate in all treatment including taking prescribed medications. If a person released under this program violates any condition of release or is arrested for a crime for which probable cause has been found by a judge, the program shall apply to the defendant's first appearance judge (if charges have not been filed) or the judge assigned to try the defendant's criminal case (if charges have been filed) to have his/her release revoked and have a warrant issued for his/her arrest. The person is not eligible for further release under this program, except by specific order of the court. If based upon a mental health evaluation, it is determined that the person does not need additional treatment, program staff shall contact the first appearance judge (if no charges are filed) or the assigned judge (if charges are filed) accordingly.

3. Criteria for the Extension of the Limits of Confinement for the Purposes of Mental Health Evaluation and Treatment:

a. Accused persons who meet the following conditions may be transferred to a Baker Act receiving facility until such time as the Baker Act receiving facility staff determines that the offender may be safely returned to the custody of the jail:

Accused persons who are charged with misdemeanors, traffic cases, and second and third degree felonies will be considered eligible for the extension of limits of confinement, as established in this Order. However, accused persons whose instant offense is a felony sex offense, or involves the use of a deadly weapon will not be granted an extension of the limits of confinement under the terms of this Order. Specifically, the following crimes will not be accepted under the terms of this Order:

(1) Criminal Justice Criteria:

Any Homicide  
Any Sexual Battery  
Any Offense involving the use of a deadly weapon  
Any Lewd and Lascivious Act

(2) Mental Health Criteria:

Accused person meets criteria for involuntary examination as defined in section 394.463(1), Florida Statutes, as determined by a physician, psychologist licensed pursuant to chapter 490, Florida Statutes, a psychiatric nurse or licensed clinical social worker.

(3) Appointment of the Public Defender:

In actions for involuntary placement under chapter 394, section 394.467, Florida Statutes, where a person is subject to involuntary placement, the Public Defender shall be automatically appointed to represent such persons. This Administrative Order shall provide the authority for appointments of the Public Defender in lieu of the issuance of a court order in each case.

**E. Mental Health Court:<sup>1</sup>**

For program details see “Attachment F,” attached hereto.

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<sup>1</sup> Former Section E, admitting persons to the Orange County Work Release Program (WRC) pre-trial, was stricken by separate administrative order (see Administrative Order 2006-07-01).

**F. Violent Felony Offenders of Special Concern:**

Persons arrested for new law violations who have been identified as a violent felony offender of special concern pursuant to the Anti-Murder Act, sections 903.0351, 948.06, and 948.064, Florida Statutes, but have not yet been arrested for a violation of probation, shall be placed on a five (5) day administrative hold. Orange County Corrections shall immediately notify the Department of Corrections of the new arrest so that the Department of Corrections can take the appropriate action.

**G. Bail Schedule:**

The bail bond schedule, attached hereto as Attachments B 1, B 2, & B 3, is for use in setting bail in Orange and Osceola Counties prior to first appearance, and is not intended to and does not in any manner bind judges conducting first appearance hearings or bond hearings. Judges setting bail as a condition of release may set such bail in any reasonable amount in accordance with the factors set forth in Florida Rule of Criminal Procedure 3.131(b)(3) and section 903.046, Florida Statutes.

Unless a judge has ordered the defendant held without bail or has previously set bail, a defendant may be released from jail before first appearance if he/she posts the bail set forth in this section and otherwise meets the conditions of this section. In addition to the posting of the monetary bail, the person's release conditions shall include an obligation to comply with all court orders, to appear at all court hearings, to refrain from any criminal activity, and to refrain from any contact with the alleged victim. Double the stated amount of the following bail schedule will be required of persons who do not reside in Florida.

Pursuant to Florida Rule of Criminal Procedure 3.131, as amended, unless a person is charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption of guilt is great, that person is entitled to pretrial release on reasonable conditions. If no condition of release can reasonably protect the community from risk of harm, assure the accused's presence at trial, or assure the integrity of the judicial process, the accused may be detained. An arrestee shall not be released without the judge's authority if any law enforcement officer or the State Attorney has communicated his or her objection to release under monetary release conditions.

Pursuant to Section 903.047, Florida Statutes, as amended, a separate bail amount shall be set for each charge, with the exception of warrants issued prior to October 1, 2006. Bail on those warrants shall be governed by the amount set in the warrant. Where multiple charges have been filed, the bond amount on the highest offense will continue to be set according to the bond schedule attached hereto as "**Attachment B 1**" for felonies, "**Attachment B 2**" for non-traffic misdemeanors and ordinance violations, and "**Attachment B 3**" for criminal traffic misdemeanors. The bond amount for additional subsequent charges shall be set as follows:



Felony, Life, PBL.....	No Bond
Felony, 1 <sup>st</sup> degree.....	Set by Bond Schedule
Felony, 2 <sup>nd</sup> degree.....	\$ 150.00
Felony, 3 <sup>rd</sup> degree.....	\$ 150.00
Misdemeanor, non-traffic.....	\$ 100.00
Misdemeanor, traffic.....	\$ 100.00

However, an exception arises where there are multiple deaths. Each criminal offense that results in a death shall be set according to the bond schedule attached hereto as **“Attachment B 1”**.

1. For felonies not appearing on the bond schedule attached hereto as **“Attachment B 1,”** the following bond amounts shall apply:

Felony, 1 <sup>st</sup> degree.....	\$ 5,000.00 to \$10,000.00
Felony, 2 <sup>nd</sup> degree.....	\$ 2,500.00 to \$ 5,000.00
Felony, 3 <sup>rd</sup> degree.....	\$ 1,000.00 to \$ 2,500.00
All Other First Degree Felony Drug Offenses.....	\$10,000.00 to \$50,000.00

Where multiple charges have been filed, the bond amount on the highest offense will continue to be set according to the bond schedule attached hereto as **“Attachment B 1”** for felonies, **“Attachment B 2”** for non-traffic misdemeanors and ordinance violations, and **“Attachment B 3”** for criminal traffic misdemeanors. The bond amount for additional subsequent charges shall be set as follows:

Felony, Life, PBL.....	No Bond
Felony, 1 <sup>st</sup> degree.....	Set by Bond Schedule
Felony, 2 <sup>nd</sup> degree.....	\$ 150.00
Felony, 3 <sup>rd</sup> degree.....	\$ 150.00
Misdemeanor, non-traffic.....	\$ 100.00
Misdemeanor, traffic.....	\$ 100.00

However, an exception arises where there are multiple deaths. Each criminal offense that results in a death shall be set according to the bond schedule attached hereto as **“Attachment B 1”**.

**A person arrested for a capital crime, a felony punishable by life, a first degree felony punishable by up to life, or for any lewd or lascivious exhibition, lewd or lascivious molestation, lewd or lascivious battery, or other sexual act involving a minor, or for any failure of a person deemed to be a sexual predator to follow registration, reporting, and/or employment restrictions, pursuant to chapters 775 and 943 of the Florida Statutes, or for burglary of a structure or dwelling during a natural disaster/act of God, acts of terrorism, or war (i.e., looting during a state of emergency) shall not be eligible for release under this section. These persons are to be held until first appearance, at which time the first appearance judge will decide conditions of release, if any. Any motion for bail or bond regarding defendants with the above outstanding charges, with the exception of**

**burglary of a structure or dwelling during a natural disaster/act of God, acts of terrorism, or war (i.e., looting during a state of emergency), shall include the following information: attachment copy of charging affidavit and any other supporting documents; addresses and phone numbers of defendant; address and phone numbers of defendant’s employers; and any aliases of defendant. A copy of such motion shall be forwarded to the Department of Corrections at their designated office. A Form Order designed to assist the Court in making a bail determination is attached hereto as Attachment E.**

2. For traffic and non-traffic misdemeanors and ordinance violations not appearing on the bond schedules attached hereto as “**Attachment B 2**” or “**Attachment B 3**,” the following bond amounts shall apply:

Misdemeanor, 1 <sup>st</sup> degree.....	\$250.00 to \$500.00
Misdemeanor, 2 <sup>nd</sup> degree.....	\$150.00 to \$250.00
Ordinance Violation .....	\$150.00 to \$250.00

Where multiple charges have been filed, the bond amount on the highest offense will continue to be set according to the bond schedule attached hereto as “**Attachment B 1**” for felonies, “**Attachment B 2**” for non-traffic misdemeanors and ordinance violations, and “**Attachment B 3**” for criminal traffic misdemeanors. The bond amount for additional subsequent charges shall be set as follows:

Felony, Life, PBL.....	No Bond
Felony, 1 <sup>st</sup> degree.....	Set by Bond Schedule
Felony, 2 <sup>nd</sup> degree.....	\$ 150.00
Felony, 3 <sup>rd</sup> degree.....	\$ 150.00
Misdemeanor, non-traffic.....	\$ 100.00
Misdemeanor, traffic.....	\$ 100.00

However, an exception arises where there are multiple deaths. Each criminal offense that results in a death shall be set according to the bond schedule attached hereto as “**Attachment B 1**”.

3. Bond when charges are modified and defendant is still in custody:

If the charge(s) filed by the State Attorney are more numerous, as compared to the offense(s) that were before the court when the bond was last set, the Orange County Department of Corrections shall release the defendant on the additional charge(s) on his or her own recognizance, unless application for modification of the conditions of release has been made by either party and granted by a court of competent jurisdiction. If the charge(s) filed by the State Attorney are higher or lower in degree than the offenses that were before the court when the bond was last set, the bond shall remain the same as that last set, unless application for modification of the conditions of release has been made by either party and granted by a court in its sound discretion. Additionally, the court may adjust the bond if deemed appropriate or proportional.

The total amount of each original bond remains in effect, regardless of any change in charge(s) filed, until otherwise ordered by the court *sua sponte* or pursuant to a motion to conform bond to charges as filed.

4. Disqualifications from Pre-First Appearances Release by Bail Schedule:

The following persons shall not be eligible for release under this section:

- a. Any person currently free on monetary or non-monetary release for an offense, except for non-arrest criminal traffic offenses, if the offense for which they are currently free on monetary or non-monetary release occurred prior to the offense at issue. (i.e., a person free on release conditions for Offense A is eligible for pre-first appearance release on Offense B if Offense B occurred prior to Offense A, but not if Offense B occurred after Offense A.) This shall also apply to failure to appear where a bond is set. However, offenders who were given notices to appear in the form of a Uniform Traffic Citation who later fail to appear remain eligible for release before first appearance;
- b. Any person whose identity has not been clearly ascertained;
- c. Any person whose arrest affidavit contains a statement of ineligibility by the arresting officer made with the specific approval of his/her supervisor. The arresting officer shall also state the reason for disqualification on the charging or arrest affidavit;
- d. Any person who refuses to provide a blood sample after a request by a law enforcement officer, as authorized by section 796.08, Florida Statutes, may not be released prior to first appearance.

**III. Establishment of Persons to Be Presented for First Appearance Hearings and Procedures for First Appearance Hearings:**

**A. Persons to be Presented for First Appearance Hearings:**

Florida Rule of Criminal Procedure 3.130(a) requires that every person arrested on a criminal charge who is still in custody 24 hours after arrest must be taken before a judge for a first appearance hearing unless such person was previously arrested and released from custody on that same charge.

Persons who fall into the following categories, and only those persons, will be presented for first appearance hearings in Orange County.

1. Arrest without warrant;
2. Arrest under an “at large” capias;

3. Initial arrest under an “at large” arrest warrant;

4. Arrest under a Failure to Appear (FTA) warrant where the person was never arrested but served with a summons and failed to appear for arraignment, or summons which was issued was never served;

5. Persons arrested via a charging affidavit for violating the special condition of probation requiring that the defendant not return to the “prostitution mapping zone” must appear at the Initial Appearance proceedings and at such proceedings the judge may set a bond of the defendant’s release;

6. Persons arrested via a charging affidavit for on view violation of probation conditions by officer;

7. Persons arrested on violation of probation or violation of community control warrants.

8. Persons arrested on collection court writs.

9. Persons arrested who have not been released on monetary conditions and are certified eligible, pursuant to section 907.041(3)(b), Florida Statutes, to be released into the Orange County Pretrial Release Program.

10. Persons turned in by bail bond agent (TIBB) prior to arraignment.

11. Persons whose ROR release was revoked prior to arraignment.

**B. Persons No Longer to be Presented at First Appearance Hearings are:**

1. Persons arrested on civil writs;

2. Persons turned in by bail bond agent (TIBB) after arraignment;

3. Persons who prison control release (PCR) or ROR release was revoked;

4. Persons who ROR release was revoked after arraignment;

5. Persons arrested on a contempt of court warrant;

**C. If there is any doubt as to whether an arrested person should be presented for a first appearance hearing, that doubt should be resolved in favor of the defendant appearing at the first appearance.**

**D. Operational Procedures for First Appearances Held in Orange County:**

There will be two sessions for first appearance hearings in Orange County, Florida, Monday through Friday, except on Holidays and weekends. The time frames outlined in the following sections may be changed upon twenty-four hours notice, as a result of experience, collection court, in-jail arraignments and bond hearings:

**1. Session One accommodates all inmates arrested/processed into the Booking and Release Center (BRC) between 0630-2330 hours, who require first appearance proceedings:**

- a. Cut-off time for morning session is 2330 hours;
- b. Inmate Records provides morning Court list by 0030 hours;
- c. Central Booking and pre-trial staff complete necessary paperwork and deliver to the Clerk assigned to the jail by 0400 hours;
- d. Central Booking Facility will show all inmates the Rights videotape and insure that all inmates complete an Advice to Defendant, First Appearance Form. These forms, when completed, will be delivered to the Clerk assigned to the jail as soon as practically possible on weekdays;
- e. Central Booking Facility or Pretrial staff will obtain Indigency Affidavits from all inmates being presented for Initial Appearance. These forms, when completed, will be delivered to the Clerk assigned to the jail as soon as practically possible on weekdays;
- f. The Clerk shall assign appropriate divisions, case numbers, attach Advice To Defendant, First Appearance Form, Indigency Affidavits, obtain State of Florida Department of Highway Safety and Motor Vehicles driving records for the misdemeanor traffic and felony traffic cases and distribute original and copies to Judge, the prosecuting authority and Public Defender assigned to the jail by 0800 hours;
- g. The prosecuting authority and Public Defender should review the inmates' paperwork for legal issues, i.e. probable cause and criminal history, and discuss plea negotiations before Court Session One at 0900 hours;
- h. The Judge assigned to the jail should arrive in sufficient time to complete their review and be ready to commence proceedings by 0900 hours;
- i. The schedule for Session One, First Appearances, shall be in the following order: initial appearance on felony vop's, felonies, traffic, city and county ordinance, pleables, out of county warrants and resets. Any cases involving domestic violence offenses will be heard at Session Two. Any cases involving interpreters will be scheduled at a Special Session at 1330 hours;
- j. No felony arraignments shall be held at first appearance hearings;
- k. The presiding Judge may arraign and sentence defendants charged with misdemeanors and ordinance violation at first appearance hearings. The Judge shall make the Public Defender available for defendants who are sentenced and/or arraigned at first appearance;
- l. In appropriate cases if the defendant is determined to be indigent and therefore unable to obtain an attorney at the time of first appearance, a public defender may be

appointed for all purposes. Whenever possible, the indigency determination should be made at first appearance. An Insolvency Screening/Affidavit shall be completed by any defendant requesting the appointment of the Public Defender. The Judge will verify with the defendant the information contained in the screening/affidavit. If a determination is made that the appointment of the Public Defender is appropriate, any fees for application as provided by Florida Statutes will be imposed;

m. The prosecuting authority and Public Defender assigned to the jail for first appearances will be responsible for assisting in the early resolution of cases and should report no later than 0830 hours for Session One;

n. Prior to any subject being considered for a First Appearance Plea Agreement, and subsequent release from jail as a result of a Plea Agreement, Orange County Corrections will confirm that the local law enforcement identification process has been completed and the individual's identity verified;

o. No plea to an enhanceable offense will be accepted at first appearance over the objection of the State Attorney or the City Prosecutor;

p. When Session One is completed, the trial clerk will put copies of the Orders of Commitment signed by the judge in an envelope marked "Dockets/Booking, Rush" and will telephone docket section of the 33<sup>rd</sup> Street Booking Facility, to allow a representative of Docket's/Booking to arrange to pick-up such paperwork. Once the judge is on-site, space will be dedicated for Inmate Records Management "Dockets" adjacent to the Booking Courtroom to facilitate immediate or real time data entry into Jailtrac and accordingly, at that time the processes stated in this paragraph will not be necessary.

2. **Session Two accommodates all inmates arrested/processed into the Booking and Release Center (BRC) between 2330 hours and 0630 hours, who require first appearance proceedings and will accommodate all individuals held only on writs from collection court:**

a. Cut-off time for afternoon session is 0630 hours;

b. Inmate Records provides afternoon court list by 0830 hours;

c. Central Booking and pre-trial staff complete necessary paperwork and deliver to the Clerk assigned to the jail by 0930 hours;

d. Central Booking Facility will show all inmates the Rights videotape and insure that all inmates complete an Advice to Defendant, First Appearance Form. These forms, when completed, will be delivered to the Clerk assigned to the jail as soon as practically possible on weekdays;

e. Central Booking Facility or Pretrial staff will obtain Indigency Affidavits from all inmates being presented for first appearance. These forms, when completed, will be delivered to the Clerk assigned to the jail as soon as practically possible on weekdays;

f. The Clerk shall assign appropriate divisions, case numbers, attach Advice to Defendant, First Appearance Form, Indigency Affidavits, obtain State of Florida Department of Highway Safety and Motor Vehicles driving records for the misdemeanor traffic and felony traffic cases, and distribute original and copies to the judge, the prosecuting authority and Public Defender assigned to the jail by 1100 hours;

g. The prosecuting authority and Public Defender should review the inmate's paperwork for legal issues, i.e. probable cause and criminal history, and discuss plea negotiations before Court Session Two begins at 1330 hours;

h. The Judge Assigned to the jail should arrive in sufficient time to complete their review and be ready to commence proceedings by 1330 hours;

i. The schedule for Session Two, First Appearances, shall be in the following order:

(a) First Courtroom: initial appearances on misdemeanor and traffic vop's, felonies, non-pleables, out of county warrants and resets;

(b) Second Courtroom: initial appearances on felonies and misdemeanors involving domestic violence issues and individuals held only on writs from collection court;

j. No felony arraignments shall be held at first appearance hearings;

k. The presiding judge may arraign and sentence defendants charged with misdemeanors and ordinance violations at first appearance hearings. The judge shall make the Public Defender available for defendants who are sentenced and/or arraigned at first appearance;

l. In appropriate cases if the defendant is determined to be indigent and therefore unable to obtain an attorney at the time of first appearance, a public defender may be appointed for some or all purposes. Whenever possible the indigency determination should be made at first appearance. An Insolvency Screening/Affidavit shall be completed by any defendant requesting the appointment of the public defender. The judge will verify with the defendant the information contained in the screening/affidavit. If a determination is made that the appointment of the Public Defender is appropriate, any fees for application as provided by Florida Statutes will be imposed;

m. The prosecuting authority and Public Defender assigned to the jail for first appearances will be responsible for assisting in the early resolution of cases and should report no later than 1300 hours for Session Two;

n. Prior to any subject being considered for a First Appearance Plea Agreement, and subsequent release from jail as a result of a Plea Agreement, Orange County Corrections will confirm that the local law enforcement identification process has been completed and the individual's identity verified;

o. No plea to an enhanceable offense will be accepted at First Appearance over the objection of the State Attorney or the City Prosecutor;

p. When Session Two is completed, the trial clerk will put copies of the Orders of Commitment signed by the Judge in an envelope marked "Dockets/Booking, Rush" and will telephone dockets section of the 33<sup>rd</sup> Street Booking Facility, to allow a representative of Docket's/Booking to arrange to pickup such paperwork. Once the judge is on-site, space will be dedicated for Inmate Records Management "Dockets" adjacent to the Booking Courtroom to facilitate immediate or real time data entry into Jailtrac and accordingly, at that time the processes stated in this paragraph will not be necessary.

3. **Interpreter Session** accommodates all inmates arrested/processed into Booking and Release Center (BRC) who would normally be scheduled at either Session One or

Session Two on a particular day and who do not speak the English language. This Interpreter Session will begin at 1330 hours or immediately following Session One, whichever occurs first.

4. Operational Procedures for First Appearances In-person or via Fiber Network on Weekends and Holidays:

a. The schedule for weekends and holidays is as follows:

0730 – Juvenile Justice Center Courtroom: Duty Judge may start reviewing paperwork for the morning session;

0800 – Juvenile Justice Center Courtroom: Juvenile Dependency Cases;

0815 (or as soon as possible following conclusion of juvenile dependency cases) – Juvenile Justice Center Courtroom: Juvenile Delinquency Cases;

1100 – Orange County Booking Release Center  
Courtroom 1: Video/fiber network first appearances relating to inmates located at Osceola County Jail Facility as well as appearances relating to writs of bodily attachment issued by Osceola County collection court will be conducted at the Orange County Booking Release Center, Orange County Jail, Orlando, Florida;

1130 – (or as soon as possible following conclusion of first appearances relating to Osceola inmates) – Orange County Booking Release Center Courtroom 1: In-person first appearances relating to inmates located at the Orange County Booking Release Center as well as appearances relating to writs of bodily attachment issued by Orange County collection court will be conducted at the Orange County Booking Release Center, Orange County Jail, Orlando, Florida.

b. On weekends and holidays, Department of Juvenile Justice will be responsible for transporting juveniles to the Juvenile Justice Center no later than 0745 hours. In addition, the Department will deliver all necessary paperwork to the Trial Clerk at the Juvenile Justice Center no later than 0730 hours. A Department Counselor will remain at the Juvenile Justice Center until the juvenile proceedings are finished and the paperwork is completed and returned to the detention facility. The Department will ascertain whether any parents wish to communicate with the Judge and relate the information to the Judge at the Juvenile Justice



Center. Interested persons regarding juveniles appearing before the weekend judge or holiday judge will be permitted in the courtroom at the Juvenile Justice Center.

c. The Central Booking Facility will compile all arrest affidavits of those inmates arrested/processed into the Central Booking Facility between 0600 hours Friday to 0200 hours Saturday morning for Saturday's session; between 0200 hours Saturday morning to 0200 hours Sunday morning for Sunday's session; and between 0200 hours Sunday morning to 2300 hours Sunday evening for Monday's regular session, requiring a first appearance and delivery of the arrest affidavits to the Clerk of Court no later than 0700 hours on Saturday, Sunday, and/or Monday or other holiday.

d. Cut off time for weekend and holiday morning session is 0200 hours.

e. Inmate Records provides morning Court list to the Clerk's office by 0300 hours.

f. The Trial Clerk assigned to first appearances will pick up affidavits from the Clerk's office and prepare all necessary documents, including obtaining State of Florida Department of Motor Vehicles driving records for all misdemeanor traffic and felony traffic cases, and all calculations and paperwork for persons held on writs for collection court for review by the first appearance Judge by 1000 hours.

g. The Trial Clerk and the Booking Release Center will activate their respective broadcast systems at 1045 hours to insure proper operation.

h. The Booking Release Center will show all inmates the Rights Videotape and insure that all inmates complete an Advice to Defendant, First Appearance Form. These forms will be delivered to the Trial Clerk (same procedure as done during the week; i.e., in order, rubberbanded together, and delivered to the 4th floor Clerk's area at the Booking Release Center). These forms will be picked up by the Trial Clerk along with the arrest affidavits at 0630 hours.

i. On weekends and holidays, arrest affidavits and any other paperwork required will be ready to be reviewed by the Judge by 1000 hours. Judges should arrive in sufficient time to complete their review and be ready to commence proceedings by 1100 hours. It is imperative that this schedule be kept as closely as possible, as many people are involved in the transportation of paperwork and inmates and coordination is essential.

j. Public viewing is permitted at the Booking and Release Center and the Video Visitation Center in designated locations. Court personnel only will be permitted in the courtrooms of the Booking Release Center. Court personnel and parents, relatives, and guardians of children scheduled to appear at the Juvenile Justice Center will be permitted in the Center.

The prosecuting authority and the Public Defender assigned to handle first appearances should report to the Booking Release Center no later than 1000 hours.

k. No plea to an enhanceable offense will be accepted at First Appearance over the objection of the State Attorney or the City Prosecutor.

l. Judges may resolve collection court writs in the following manner: sentencing to a payment plan, or by appearance before a collection court hearing officer within 30 days.

5. Emergency Procedures if Fiber Network System Not Operational:

a. If a problem occurs with the system, the trial clerk will call the emergency technician using the pager number provided. The technician will call to determine the extent of the problem and approximate time to repair. In the event the system cannot be repaired in a reasonable time, the following options will be considered by the presiding judge:

(1) Judge conducts first appearance proceedings for Osceola County inmates from the Orange County Booking Release Center using telephone hookup only.

(2) Judge and Court Personnel may travel to the Osceola County Jail Facility Courtroom to conduct first appearance proceedings live.

6. How to Contact Involved Individuals: See contact list attached hereto as "Attachment C".

**IV. Geographic Areas of County Court Division:**

**A. Apopka (Northwest Orange County) Division:**

Begin at the Northwest boundary of Orange County, run South along the Orange County line to its intersection with the Northern shore of Lake Apopka, thence in a Southerly direction following the Western shore line of Lake Apopka to its intersection with the city limits of Ocoee, thence East and South along the Ocoee city limits to Silver Star Road, thence East along the Northern right-of-way of Silver Star Road to its intersection with the city limits of Orlando, thence North and East following the Orlando city limits to its intersection with the city limits of Winter Park, thence North following the Winter Park city limits to its intersection with the city limits of Eatonville, thence West and North following the city limits of Eatonville to its intersection with the city limits of Maitland, thence East and North following the city limits of Maitland to the Orange County border, thence West and North and West along the Orange County border to the Northwest boundary of Orange County.

**B. Ocoee (West Orange County) Division:**

Begin at the intersection of the Southern shoreline of Lake Apopka and the Western boundary of Orange County, run South and East along the Orange County border to Interstate 4, thence North along the Western right-of-way of Interstate 4 to its intersection with the Southern city limits of Orlando, thence West and North following the city limits of Orlando to Silver Star Road, thence West along the Southern right-of-way of Silver Star Road to its intersection with the city limits of Ocoee, thence North and West following the city limits of Ocoee to its intersection with the Eastern shore of Lake Apopka, thence West along the Southern shore of Lake Apopka to its intersection with the Orange County border.

**C. Winter Park (East Orange County) Division:**

Begin at the intersection of the Northern boundary of Orange County and the Northwest city limits of Maitland, run East and then South and then East along the Orange County line to State Road 528 (The Beeline), thence West along the Northern right-of-way of the State Road 528 (The Beeline) to SR 520, thence West along the Northern right-of-way of SR 520 to State Road 50 (Colonial Drive), thence West along the Northern right-of-way of State Road 50 (Colonial Drive) to Semoran Boulevard, thence North along the Western Right-of-way of Semoran Boulevard to its intersection with the city limits of Winter Park, thence West and North following the city limits of Winter Park to its intersection with the city limits of Eatonville, thence West and North following the city limits of Eatonville to its intersection with the city limits of Maitland, thence East and North following the city limits Maitland to its intersection with the Orange County border.

**D. Orlando (Central and Southeast Orange County) Division:**

All of Orange County not specifically designated above, in section IV, paragraphs A through C as areas comprising other divisions.

**V. Returnable Dates and Locations:**

**A. Felonies:**

Persons arrested for felony offenses and released from jail prior to arraignment are to report to the Orange County Courthouse, 425 North Orange Avenue, Orlando, Florida, for arraignment when notified by the Clerk of the Court.

**B. Misdemeanors:**

1. Misdemeanors returnable to the downtown courthouse (Orlando Division):

Persons arrested for misdemeanor offenses which will be heard in the Orange

County Courthouse in Orlando and who were released prior to arraignment, will be ordered to report before a judge of the appropriate division of County Court of Orange County, to the courthouse upon dates and at locations set from time to time by the Administrative Judge of the County Court of Orange County or his/her designee.

2. Misdemeanors returnable to any branch courthouse:

Persons arrested for misdemeanor offenses which will be heard in one of the branch courthouses, and who were released prior to arraignment, will be ordered to report before a judge of the appropriate division of County Court of Orange County, to a branch courthouse upon dates and locations set from time to time by the Administrative Judge of the County Court of Orange County or his/her designee.

**C. Traffic Offenses:**

1. Traffic offenders returnable to the downtown courthouse:

Persons arrested for traffic offenses which will be heard in the Orange County Courthouse in Orlando and who were released prior to arraignment, will be ordered to report before a judge of the appropriate division of County Court of Orange County, to the courthouse upon dates and at locations set from time to time by the Administrative Judge of the County Court of Orange County or his/her designee.

2. Traffic offenders returnable to any branch courthouse:

Persons arrested for traffic offenses which will be heard in one of the branch courthouses, and who were released prior to arraignment, will be ordered to report before a judge of the appropriate division of County Court of Orange County, to a branch courthouse upon dates and locations set from time to time by the Administrative Judge of the County Court of Orange County or his/her designee.

**D. Persons released from custody after having appeared for arraignment in any court shall report on whatever date was scheduled at arraignment.**

**VI. Consolidation and/or Transfer Regarding Felony Cases, Misdemeanor Cases, and Traffic Cases:**

The Chief Judge shall have authority to reassign and assign cases among the various divisions of the Circuit and County Courts and their subdivisions, as well as between the County and Circuit Courts of the Ninth Judicial Circuit as may be appropriate.

Under the authority vested in the Chief Judge pursuant to Rule 2.215(b)(5) of the Florida Rules of Judicial Administration various administrative orders and directives of the Chief Judge

may be entered regarding the authority of the administrative judges to reassign cases. A pending case is defined as one in which an information has been filed and the defendant has not been tried or sentenced.

- A. Felony cases: No other judge other than the Chief Judge, the administrative judges and the jail judges as authorized by the Chief Judge from time to time shall have any authority to reassign any felony cases. If any judge, other than the Chief Judge, his designated administrative judges or his designated jail judges, has or shall reassign any felony case such reassignment shall be null and void and of no force and effect. Any such felony case so reassigned by any other judge shall not be considered reassigned and the Clerk shall not so reassign the case.
1. Felony cases for the same defendant which are assigned to various felony divisions shall not be reassigned to the lower case number without the approval of the Chief Judge or the Administrative Judge of the felony divisions.
  2. Individuals who are on felony probation, shall not have new law violations reassigned to the division with the felony probation pending, without the approval of the Chief Judge or the Administrative Judge of the felony divisions.
  3. Before an information is filed, felony cases involving co-defendants shall not have the co-defendants cases transferred to the division with the lower case number without the approval of the Chief Judge or the Administrative Judge of the felony divisions.
  4. New cases involving the defendant and another defendant(s) are not to be reassigned by virtue of this Order.
  5. In the rare event that cases involving co-defendants, filed in a single information, are assigned to more than one division (i.e., co-defendant A is assigned to division 10 and co-defendant B is assigned to division 12), the Clerk of Court shall assign that single case to the division to which co-defendant A is assigned.
- B. Misdemeanor / Traffic cases:
1. When criminal traffic and/or criminal misdemeanor cases arising out of the same criminal episode are pending for the same defendant, counsel for the State, counsel for the Defendant or the Defendant may file in the case a Request for Administrative Transfer or request in open court that a transfer occur and the Clerk of Court is hereby directed to transfer the case(s) pending in the criminal misdemeanor case to the Division with the criminal traffic case, without the necessity of further court order.

2. When numerous criminal traffic and/or numerous criminal misdemeanor cases are pending, but the cases are not related other than the same defendant is charged in each case, then upon written motion by either the State or the defendant, stating that the purpose of the transfer is for a plea on all cases which has been previously agreed to by the parties, and the request is made before pre-trial, the court may transfer to the case where the earliest date of offense occurred, so long as the case containing the earliest date of offense is still pending.
3. When a defendant has either criminal misdemeanor or criminal traffic case(s) pending and there are also non-criminal traffic infractions arising out of the same episode, then either the State or the defendant may file in the cause a Request for Administrative Transfer or request in open court that a transfer occur and the Clerk of Court is hereby directed to transfer the non-criminal traffic infractions to the Division assigned the criminal misdemeanor or criminal traffic case, without the necessity of further court order.
4. In no event shall misdemeanor/traffic cases transfer or be consolidated if they are in capias status.

C. Miscellaneous matters relating to transfers/consolidations regarding felony, misdemeanor and traffic cases:

1. Nothing in this Order is meant or intended to require or preclude the filing of Motions or Orders that may call for the transfer, reassignment or consolidation of other cases as the circumstances of such other may require.
2. The attorney representing the State of Florida or the attorney of record for the defendant may file a Motion for Transfer and shall provide the motion and proposed Order to the Court. The private attorneys moving for transfer must provide addressed, stamped envelopes along with the proposed order. The motion, order, and envelopes shall be provided to the administrative judge of the criminal division. No judge other than the Chief Judge, or the administrative judges as authorized by the Chief Judge from time to time, shall have the authority to reassign any felony cases.
3. Upon the filing of an information charging a defendant with a crime other than is charged in the arrest affidavit, the State Attorney shall determine if the new crime charged is within the jurisdiction of the same court. If the new crime charged is not within the jurisdiction of the court to whom the case was originally assigned, the State Attorney shall deliver a signed Motion to Transfer to the Clerk of the Court to whom the case was originally assigned, reciting the ground for the transfer and advising the Clerk of the Court to whom the case should

be transferred. In the Motion to Transfer, the State Attorney may direct the Clerk to dismiss a capias and to issue a summons directing the defendant to appear to answer the new charge. Upon receipt of the motion, the Clerk shall, by authority of this Administrative Order, transfer the case file to the Clerk of the Court to whom the transfer has been requested.

**VII. Establishment of Procedures to Effect Florida Rule of Criminal Procedure 3.134:**

**A.** Hearings addressing violations of the 33-day rule shall be heard immediately following weekly in-jail arraignments and each session of Mental Health Court.

**B.** Defense counsel and pro se defendants shall file with the Clerk's Office Motions for Release and Notices of Hearings addressing violation of the 33-day rule by 12:00 p.m. on the business day before the scheduled hearing and shall simultaneously forward via the most expeditious means possible, including e-mail, copies of the Motions and Notices to all interested persons, including the Judicial Assistant for the Judge who is to preside over the hearing, the persons with the State Attorney's Office and the Orange County Sheriff's Office. See contact list attached hereto as "Attachment D".

**C.** Immediately upon receipt of the Notice of Hearing and if possible by 12:00 p.m. on the business day before the scheduled hearing, the Judicial Assistant for the Judge who is to preside over the hearing shall forward via the most expeditious means possible, including e-mail, copies of the Notices to the persons with the State Attorney's Office and the persons with the Clerk of Court's Office: See contact list attached hereto as "Attachment D".

**D.** Should defense counsel or pro se defendants file on a Friday, Motions and Notices for a hearing to be scheduled for the following business day, defense counsel and pro se defendants shall forward copies of the Motion and Notice of Hearing, in the same manner as stated in paragraph C to the Judicial Assistant for the Judge scheduled to hear video arraignments for that business day.

**VIII. Vacating/Incorporation of Related Administrative Orders and Review Provision:**

**A.** Administrative Order 2003-39-23 is vacated and set aside and has been incorporated and/or amended herein. The provisions of 07-83-25 as it pertains to misdemeanor and traffic cases is vacated. See section VI, Consolidation and/or Transfer Regarding Felony Cases, Misdemeanor Cases, and Traffic Cases. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

**B.** Administrative Orders No. 07-99-09 and 2003-19-01 addressing involuntary placement proceedings in the Mental Health Division are also incorporated herein, but shall also remain in effect for post first appearance proceedings.

**DONE AND ORDERED** at Orlando, Florida, this 13<sup>th</sup> day of September, 2016.

\_\_\_\_\_/s/\_\_\_\_\_  
Frederick J. Lauten  
Chief Judge

Copies provided to:  
Clerk of Courts, Orange County  
Clerk of Courts, Osceola County  
General E-Mail Distribution List  
<http://www.ninthcircuit.org>



**ATTACHMENT A, SECTION I, D, 4, ADDRESSING PROCEDURES FOR FAXING  
NOTICES AND MOTIONS FOR UNASSIGNED BOND HEARINGS**

**1. Bond hearings and modifications related to unfiled felony cases are to be scheduled in the assigned Circuit Felony Division. You must contact the Judicial Assistant in the respective Circuit Felony Subdivision to verify the bond policy for that division. If a hearing is scheduled, notice must be provided to the State Attorney's Office by 1200 hours (noon) on the business day preceding the scheduled hearing.**

**2. Bond hearings and modifications related to unfiled misdemeanor cases are to be scheduled in Subdivision 52-8. To schedule a hearing you must fax or mail the motion along with a proposed order to the Judicial Assistant. To view the available hearing times go to [www.ninthcircuit.org](http://www.ninthcircuit.org), select the For Attorneys tab, select Judicial Calendaring System, select from the drop down menu the Unassigned Bond Hearings and retrieve, this will give you the available dates and times. You may then call the Judicial Assistant at 407-254-7667 to set a hearing. The bond hearing docket for each day is available online by going to [www.ninthcircuit.org](http://www.ninthcircuit.org), select the For Attorneys tab, select dockets, then select from the drop down menu the Unassigned Bond Hearings docket and click on the date you wish to view. Traffic cases are to be heard by the assigned division as the citation is the charging document. To determine the assigned division, please contact the Clerk of Court.**

**a. Beginning November 3, 2008, bond hearings and modifications on any unfiled misdemeanor cases involving domestic situations, i.e., battery, assault, violations of injunctions for domestic violence, etc., are to be scheduled through the Judicial Assistant in Subdivision 50-8. You cannot obtain hearing time until your motion has been filed. Bond and modification hearings involving domestic situations will normally be scheduled within 48 hours of the request for hearing time. To view the docket online go to [www.ninthcircuit.org](http://www.ninthcircuit.org), select the For Attorneys tab, then select Dockets, from the drop down menu select County Criminal Division 50 and click on the date you wish to view.**

**3. Notices and motions for bond hearings must be faxed to the persons/offices below as follows:**

**a. For all cases:** to the appropriate Judicial Assistant on unfiled felony cases or to the Judicial Assistant in Subdivisions 50-8 and 52-8 (as specified above) on unfiled misdemeanor cases.

**b. To the State Attorney's Office as follows, for felony, misdemeanor, homicide, sex crimes, statewide prosecution, and domestic violence cases: Donna Harrelson at fax # 407-836-2401 and 407-836-1219; and to any other person(s) as directed by the Judicial Assistant.**

**4. Defendant's counsel or defendant, if not represented by counsel, shall also bring to the scheduled bond hearing a copy of the motion for the Judge's review and a proposed order.**

**ATTACHMENTS B 1, B 2, & B 3, SECTION II, F- STANDARD BAIL BOND**  
**SCHEDULE FOR THE NINTH JUDICIAL CIRCUIT**

**This bail bond schedule is for use in setting bail in Orange and Osceola Counties prior to First Appearance, and is not intended to and does not in any manner bind judges conducting First Appearance hearings or bond hearings. Judges setting bail as a condition of release may set such bail in any reasonable amount in accordance with the factors set forth in Florida Rule of Criminal Procedure 3.131(b)(3) and section 903.046, Florida Statutes.**

**Note: A person arrested for a capital crime, a felony punishable by life, a first degree felony punishable by up to life, or for any lewd or lascivious exhibition, lewd or lascivious molestation, lewd or lascivious battery, or other sexual act involving a minor, or for any failure of a person deemed to be a sexual predator to follow registration, reporting, and/or employment restrictions, pursuant to chapters 775 and 943 of the Florida Statutes, or for burglary of a structure or dwelling during a natural disaster/act of God, acts of terrorism, or war (i.e., looting during a state of emergency) shall not be eligible for release under this section. These persons are to be held until first appearance, at which time the first appearance judge will decide conditions of release, if any. Any motion for bail or bond regarding defendants with the above outstanding charges, with the exception of burglary of a structure or dwelling during a natural disaster/act of God, acts of terrorism, or war (i.e., looting during a state of emergency), shall include the following information: attachment copy of charging affidavit and any other supporting documents; addresses and phone numbers of defendant; address and phone numbers of defendant's employers; and any aliases of defendant. A copy of such motion shall be forwarded to the Department of Corrections at their designated office. A Form Order designed to assist the Court in making a bail determination is attached hereto as Attachment E.**

**ATTACHMENT B 1**  
**BAIL SCHEDULE - FELONIES**

<u>Offense</u>	<u>Florida Statute</u>	<u>Felony Degree</u>	<u>Bond Amount</u>
Aggravated Abuse of Elderly or Disabled Adult w/firearm (10/20/Life Offense)	825.102(2) 775.087	Life	No Bond
Aggravated Abuse of Elderly or Disabled Adult w/Firearm, Attempt (10/20/Life Offense)	825.102(2) 777.04 775.087	1st	Must be Set by Judge at First Appearance
Aggravated Assault *If the aggravated assault is an incident of domestic violence as defined in F.S.§741.28	784.021	3rd	\$ 1,500  Must be Set by Judge at First Appearance
Aggravated Assault with firearm (Minimum Mandatory)	784.021 775.087	3rd	Must be Set by Judge at First Appearance
Aggravated Assault with Firearm ATTEMPT (Minimum Mandatory)	784.021, 777.04 775.087	3rd	Must be Set by Judge at First Appearance

Aggravated Battery *If the aggravated battery is an incident of domestic violence as defined in F.S.§741.28	784.045	2nd	\$ 3,500  Must be Set by Judge at First Appearance
Aggravated Battery with Firearm (10/20/Life Offense)	784.045 775.087	1st	Must be Set by Judge at First Appearance
Aggravated Battery With Firearm ATTEMPT(10/20/Life Offense)	784.045, 777.04 775.087	2nd	Must be Set by Judge at First Appearance
Aggravated Stalking *If the aggravated stalking is an incident of domestic violence as defined in F.S.§741.28	784.048(3), (5)	3 <sup>rd</sup>	\$ 3,500  Must be Set by Judge at First Appearance
Aggravated Stalking in violation of an injunction	784.048(4)	3rd	Must be set by Judge at First Appearance
Arson, 1st Degree	806.01(1)	1st	\$ 5,000
Arson with possession or use of Weapon or destructive devise (10/20/Life Offense)	806.01 775.087	Life	No Bond

Arson- Attempt with possession Or use of Weapon or destructive Device (10/20/Life Offense)	806.01 777.04 775.087	1st	Must be set by Judge at First Appearance
Battery on a Police Officer	784.07(2)(b)	3rd	\$ 2,500
Bigamy	826.01	3rd	\$ 1,000
Bomb or Destructive Device, Throwing, Placing, etc. (10/20/Life Offense)	790.162 775.087	1st	Must be set by Judge at First Appearance
Bomb or Destructive Device, Throwing, Placing, etc. ATTEMPT (10/20/Life Offense)	790.162, 777.04 775.087	2nd	Must be set by Judge at First Appearance
Bomb or Destructive Device Threat	790.162	2nd	\$ 5,000
Bomb or Explosive, False Report About Planting	790.163	2nd	\$ 5,000
Bomb or Destructive Device, Throwing, Discharging or Possession with Intent to Harm	790.161(2)	2nd	\$ 5,000
Bomb or Destructive Device, Throwing, Discharging or Possession with Intent to Harm Resulting in Bodily Harm or Property Damage (10/20/Life Offense)	790.161(3) 775.087	1st	No Bond
Bomb or Destructive Device, Throwing, Discharging or Possession with Intent to Harm Resulting in Bodily Harm or Property Damage ATTEMPT (10/20/Life Offense)	790.161(3) 777.04 775.087	1st	Must be set by Judge at First Appearance

Bomb or Destructive Device, Throwing or Discharging Regardless of Intent or Lack Thereof, Resulting in Great Bodily Harm (10/20/Life Offense)	790.1615(2) 775.087	1st	Must be set by Judge at First Appearance
Bomb or Destructive Device, Throwing or Discharging Regardless of Intent or Lack Thereof, Resulting in Great Bodily Harm ATTEMPT (10/20/Life Offense)	790.1615(2) 777.04 775.087	2nd	Must be set by Judge at First Appearance
Bookmaking	849.25	3rd	\$ 500
Bribery	838.015	3rd	\$ 1,000
Burglary, Attempted	777.04(4)(c)	3rd	\$ 1,000
Burglary, Armed or with Assault Firearm(10/20/Life Offense)	810.02(1), (2) 775.087	1 PBL	No Bond
Burglary, Armed or with Assault Attempt/Firearm (10/20/Life Offense)	810.02(1),(2) 777.04,775.087		Must be set by Judge at First Appearance
Burglary, Dwelling or Occupied Structure	810.02(3)	2nd	\$ 5,000
Burglary, Structure or Conveyance	810.02(3)	3rd	\$ 3,500
Burglary, Structure or Conveyance during a natural disaster/act of God, acts of terrorism, or war (i.e., looting)	810.02(3)	3rd	Must be set by Judge at First Appearance
Burglary Tools, Possession of	810.06	3rd	\$ 500
Carjacking, with deadly weapon (10/20/Life Offense)	812.133(2)(a) 775.087	1 PBL	No Bond

Carjacking with deadly weapon Firearm, Attempt (10/20/Life Offense)	812.133(2) 777.04 775.087	2nd/3rd	Must be set by Judge at First Appearance
Carjacking, no weapon	812.133(2)(b)	1st	\$ 20,000
Carnal Intercourse with Chaste Minor	794.05	2nd	Must be set by Judge at First Appearance
Child Abuse	827.04(1)	3rd	\$ 1,000
Child Abuse, Aggravated	827.03(1)(a)	2nd	\$ 3,500
Child Abuse, Aggravated with Firearm (10/20/Life)	827.03(1)(a) 775.087	1st	Must be set by Judge at First Appearance
Child Abuse, Aggravated with Firearm-Attempt (10/20/Life)	827.03(1)(a) 777.04, 775.087	2nd	Must be set by Judge at First Appearance
Child Neglect, causing great bodily harm, permanent disability, or permanent disfigurement to child	827.03(3)(b)	2nd	\$ 5,000
Child Neglect, without causing great bodily harm, permanent disability, or permanent disfigurement to child	827.03(3)(c)	3rd	\$ 1,000
Child Pornography	827.071(2), (3), (4)	2nd	\$ 2,500 Per Count
Child Pornography	827.071(5)	3rd	\$ 1,000 Per Count
Concealed Firearm, Carrying	790.01(2)	3rd	\$ 1,000

All Conspiracy, Attempt, or Solicitation needs to be subsumed under the substantive offense to which the conspiracy, attempt, or solicitation applies which in general reduces the substantive offenses by one degree considered a mitigator to the underlying substantive offense. As to conspiracy, attempt, or solicitation to commit first or second degree murder, the bond for

those offenses should be set by Judge at First Appearance. (With the exception of the 10/20/Life Offenses.)

Credit Cards, Obtaining Goods by Use of False, Expired, etc. (\$300 or more)	817.481(3)(a)	3rd	\$ 1,000
Credit Card, Fraudulent Use (\$100 or more)	817.61	3rd	\$ 1,000
Criminal Mischief (\$1,000 or more)	806.13(1)(b)(3)	3rd	\$ 1,000
Dealing in Stolen Property	812.019	2nd	\$ 2,500
Escape	944.40	2nd	No Bond (unless set by judge)
Escape with Firearm (10/20/Life Offense)	944.40 775.087	1st	No Bond (unless set by judge)
Escape with Firearm, Attempt (10/20/Life Offense)	944.40 777.04,775.087	2 <sup>nd</sup>	No Bond (unless set by judge)
Extortion	836.05	2nd	\$2,500
Failure of Defendant on Bond to Appear	843.15(1)(a)	3 <sup>rd</sup>	\$ 2,000
Failure to Redeliver Hired Vehicle	817.52(3)	3rd	\$ 1,000
False Imprisonment	787.02(2)	3rd	\$ 3,000



False Imprisonment of Child Under Age of 13	787.02(3)	1 PBL	\$ 5,000
Firearm, Electric Weapon or Device, Possession by Convicted Felon	790.23	2nd	\$ 4,000
Fire Bomb(s), Possession of	806.111	3rd	\$ 5,000
Forcing, Compelling, or Coercing Another to Become a Prostitute	796.04	3rd	\$ 1,000
Forgery	831.01	3rd	\$ 1,000
Forgery, Uttering	831.02	3rd	\$ 1,000
Gambling House, Keeping	849.01	3rd	\$ 1,000
Grand Theft (\$100,000 or more)	812.014(2)(a)	1st	\$ 5,000
Grand Theft (\$20,000 or more, less than \$100,000)	812.014(2)(b)	2nd	\$ 2,500
Grand Theft (\$300 or more, less than \$20,000)	812.014(2)(c)	3rd	\$ 500
Home Invasion, with deadly weapon (10/20/Life Offense)	812.135 775.087	1 PBL	No Bond
Home Invasion, with deadly weapon Attempt (10/20/Life Offense)	812.135 777.04,775.087	2nd/3 <sup>rd</sup>	Must be set by Judge at First Appearance
Home Invasion, without deadly weapon	812.135	1st	\$ 10,000
Incest	826.04	3rd	\$ 1,000
Insurance Fraud	817.234	3rd	\$ 1,000

Kidnapping (10/20/Life Offense)	787.01 775.087	1 PBL	No Bond
Kidnapping with Firearm (10/20/Life Offense)	787.01 775.087	Life	No Bond
Kidnapping with Firearm, Attempt (10/20/Life Offense)	787.01 777.04,775.087	1st	Must be set by Judge at First Appearance
Lewd or lascivious battery upon victim age 12 or older, but less than age 16	800.04(4)(a) & (b)	2nd	Must be Set by Judge at First Appearance
Lewd or lascivious conduct upon victim less than 16 by person age 18 or older	800.04(6)(b)	2nd	Must be Set by Judge at First Appearance
Lewd or lascivious conduct upon victim less than 16 by person less than age 18	800.04(6)(c)	3rd	Must be Set by Judge at First Appearance
Lewd or lascivious exhibition in presence of victim less than 16 by person age 18 or older	800.04(7)(c)	2nd	Must be Set by Judge at First Appearance
Lewd or lascivious exhibition in presence of victim less than 16 by person less than age 18	800.04(7)(d)	3rd	Must be Set by Judge at First Appearance
Lewd or lascivious molestation upon victim less than age 12 by person age 18 or older	800. 04(5)(b)	Life	No Bond
Lewd or lascivious molestation upon victim less than age 12 by person less than age 18	800. 04(5)(c)1.	2nd	Must be Set by Judge at First Appearance
Lewd or lascivious molestation upon victim age 12 or older, but less than age 16 by person 18 or older	800. 04(5)(c)2.	2nd	Must be Set by Judge at First Appearance

Lewd or lascivious molestation upon victim age 12 or older, but less than age 16 by person less than age 18	800.04(5)(d)	3rd	Must be Set by Judge at First Appearance
Lewd or lascivious battery upon elderly person or disabled adult	825.1025(2)(b)	2nd	Must be Set by Judge at First Appearance
Lewd or lascivious molestation upon elderly person or disabled adult	825.1025(3)(b)	3rd	Must be Set by Judge at First Appearance
Lewd or lascivious exhibition in the presence of an elderly person or disabled adult	825.1025(4)(b)	3rd	Must be Set by Judge at First Appearance
Lottery	849.09(1) (a)(b)(c)(d)	3rd	\$ 1,000
Lottery, Prior Conviction Under F.S. §849.09(1)(e)(f)(g)(i)(k)	849.09(3)	3rd	\$ 1,000
Lottery, Prior Conviction Under F.S. §849.09(1)(h)(j)	849.09(4)	3rd	\$ 1,000
Manslaughter	782.07	2nd	\$ 10,000
Murder, 1st Degree (10/20/Life Offense)	782.04(1)(a) 775.087	Capital	No Bond
Murder, 1st Degree Attempt (10/20/Life)	782.04, 777.04 775.087	Life	No Bond
Murder, 2nd Degree (10/20/Life Offense)	782.04(2),(3) 775.087	1 PBL	No Bond
Murder, 2nd Degree Attempt (10/20/Life Offense)	782.04(2) 777.04, 775.087	1 <sup>st</sup>	Must be Set by Judge at First Appearance

Conspiracy, Attempt, or Solicitation to Commit First or Second Degree Murder	777.04(4)(b) 777.04(4)(c)	1st 2nd	Must be Set by Judge at First Appearance
Murder, 3rd Degree	782.04(4)	2nd	\$ 5,000
Murder, 3rd Degree with Firearm (10/20/Life Offense)	782.04(4) 775.087	1st	Must be Set by Judge at First Appearance
Murder, 3rd Degree with Firearm (10/20/Life Offense) Attempt	782.04(4) 777.04.775.087	2nd	Must be Set by Judge at First Appearance
Obscene Photos or Other Material, Sale to Minors, & pornography Involving Minors	847.012(2)	3rd	\$ 1,000 Per Count
Obtaining Public Assistance by Fraud (\$200 or more)	409.325(1) (5)(b)	3rd	\$ 500
Obtaining Unemployment Compensation by Fraud	443.071(1)	3rd	\$ 500
Pawn Brokers, engaging in business without a license	539.001(17)(a)	3rd	\$ 500
Perjury	837.02 or 837.021	3rd	\$ 2,500
Petit Theft, 3rd Offense	812.014(2)(d)	3rd	\$ 1,000
Procuring Person Under Age 18 for Prostitution	796.03	2nd	Must be Set by Judge at First Appearance
Preventing/Obstructing Extinguishment of Fire	806.10	3rd	\$ 1,000

Resisting Officer with Violence	843.01	3rd	\$ 1,000
Removing Child from State Contrary to Court Order	787.04	3rd	\$ 1,000
Robbery, Firearm or Deadly Weapon (10/20/Life Offense)	812.13(2)(a) 775.087	1 PBL	No Bond
Robbery, Firearm or Deadly Attempt (10/20/Life Offense)	812.13(2)(a) 777.04,775.087	1st	Must be Set by Judge at First Appearance
Robbery, Armed with Non-Deadly Weapon	812.13(2)(b)	1st	\$ 10,000
Robbery, Strong-arm	812.13(2)(c)	2nd	\$5,000
Robbery, Strong arm by Sudden Snatching w/firearm or deadly weapon (10/20/Life Offense)	812.131(2)(a) 775.087	2nd	Must be Set by Judge at First Appearance
Robbery, Strong arm By Sudden Snatching w/firearm or deadly weapon Attempt (10/20/Life Offense)	812.131(2)(a) 777.04,775.087	3 <sup>rd</sup>	Must be Set by Judge at First Appearance
Robbery, Strong-arm- by Sudden Snatching w/out firearm or deadly weapon	812.131(2)(b)	3rd	\$ 1,000
Sex Trafficking (Where victim is under 14 years of age or if offense results in death)	796.045	1st	Must be set by Judge at First Appearance
Sex Trafficking	796.045	2d	Must be set by Judge at First Appearance

Sexual Battery (10/20/Life Offense)	794.011(2) 775.087	Capital	No Bond
Sexual Battery, Attempt (10/20/Life Offense)	794.011(2) 777.04,775.087	Life	No Bond
Sexual Battery (10/20/Life Offense)	794.011(3) 775.087	Life	No Bond
Sexual Battery, Attempt (10/20/Life Offense)	794.011(3) 777.04,775.087	1 <sup>st</sup>	Must be set by Judge at First Appearance
Sexual Battery (10/20/Life Offense)	794.011(4) 775.087	1st	Must be set by Judge at First Appearance
Sexual Battery, Attempt (10/20/Life Offense)	794.011(4) 777.04,775.087	2nd	Must be set by Judge at First Appearance
Sexual Battery (10/20/Life Offense)	794.011(5) 775.087	2nd	Must be set By Judge at First Appearance
Sexual Battery, Attempt (10/20/Life Offense)	794.011(5) 777.04,775.087	3rd	Must be set By Judge at First Appearance
Sexual Offenders, Failure to Register:			
-with FDLE or Sheriff's Office.....	943.0435(2)	3rd	
-with DMV-initial.....	943.0435(3)	3rd	
-with DMV-change of residence.....	943.0435(4)	3rd	All Three Must be Set by Judge at First Appearance

Sexual Offenders, Failure to Provide Registration Information.....943.0435(2)		3rd	Must be Set by Judge at First Appearance
Sexual Offenders, Failure to Report:			
-intended residency in another state....943.0435(7)		3rd	
-intent to remain in State of Florida....943.0435(8)		2nd	Both Must be Set by Judge at First Appearance
Sexual Predators, Failure to Register:			
- with FDLE or Sheriff's Office.....775.21(6)(e)		3rd	
- with DMV-initial.....775.21(6)(f)		3rd	
- with DMV-any address change.....775.21(6)(g)		3rd	All Three Must be Set by Judge at First Appearance
Sexual Predators, Failure to Report:			
-intended residency in another state....775.21(6)(i)		3rd	
-intent to remain in State of Florida....775.21(6)(j)		2nd	Both Must be Set by Judge at First Appearance
Sexual Predators, Violation of Employment Restrictions	775.21(10)(b)	3rd	Must be Set by Judge at First Appearance
Shooting into Buildings or Occupied Vehicles	790.19	2nd	\$ 2,500
Threat of Unlawful Harm to Public Servant or Family	838.021(3)(b)	3rd	\$ 1,000
Trespass, Armed	810.09(2)(c)	3rd	\$ 1,000
Trespass, Legally Posted Construction Site	810.09(2)(d)	3rd	\$ 500

Violation of Probation/Parole			No Bond
Weapon of mass destruction, manufacture, possession, sale, delivery, display, use, threatened use, attempted, conspires to use, or makes readily available to others	790.166(2)	1st PBL	No Bond
Weapon of mass destruction, manufacture, possession, sale, delivery, display, use, threatened use, attempted, conspires to use, or makes readily available to others , resulting in death	790.166(2)	Capital	No Bond
Weapon of mass destruction, manufacture, possession, sale, delivery, display, use, threatened use, attempted, conspires to use, or makes readily available to others a hoax weapon with intent to deceive or otherwise mislead	790.166(3)	2nd	\$10,000
Worthless Check, Obtaining Property by (\$150 or more)	832.05	3rd	\$ 500



**BAIL SCHEDULE- FELONY DRUG OFFENSES**

Delivery of any Substance Named in F.S.§893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b) or (2)(c)4. by Person 18 or Over to Person Under 18	893.13(1)(c)1.	1st	\$25,000
Delivery of any Substance Named in F.S.§893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.,(3) or (4) by Person 18 or Over to Person Under 18	893.13(1)(c)2.	2nd	\$20,000
Sale, Purchase, Manufacture, Delivery or Possession of Over 10 Grams of any Substance Named in F.S.§893.03(1)(a) or (1)(b)	893.13(1)(b)	1st	\$15,000
Sale, Purchase, Manufacture, Delivery or Possession with Intent to Sell, Purchase, Manufacture or Deliver any Substance Named in F.S.§893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b) or (2)(c)4.	893.13(1)(a)1.	2nd	\$ 15,000
Sale, Purchase, Manufacture, Delivery or Possession with Intent to Sell, Purchase, Manufacture or Deliver any Substance Named in F.S.§893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3) or (4)	893.13(1)(a)2.	3rd	\$ 1,000
Sale, Purchase, Manufacture, Delivery or Possession with Intent to Sell, Purchase, Manufacture or Deliver any Substance Named in F.S.§893.03 (1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. within 1,000 Feet	893.13(1)(c)1. & 893.13(1)(e)1.	1st	\$10,000

of: a School;/ Church;/ Child Care Facility; /Convenience Store; Park, Community Center; Publicly owned Recreational Facility

Sale, Purchase, Manufacture, Delivery or Possession with Intent to Sell, Purchase, Manufacture or Deliver any Substance Named in F.S. §893.03 (1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3) or (4) within 1,000 Feet of a School; Church; Child Care Facility; Convenience Store; Park, Community Center; Publicly owned Recreational Facility	893.13(1)(c)2. & 893.13(1)(e)2.	2nd	\$10,000
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Trafficking or Conspiracy To Traffic 893.135 or Attempted Trafficking in Controlled Substances: (all 1 <sup>st</sup> degree felonies)	<u>Bond Amount</u>	<u>Armed with weapon Bond Amount</u>
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Cannabis: 893.135(1)(a):		
25 lb. > 2,000 lb.	\$ 25,000	\$ 50,000
2,000 lb. > 10,000 lb.	\$ 50,000	\$100,000
10,000 lb. or more	\$200,000	\$400,000

ATTEMPT with Firearm (10/20/Life Offense)		Must be Set by Judge at First Appearance
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Cocaine: 893.135(1)(b):		
28 gms. > 200 gms.	\$ 50,000	\$100,000
200 gms. > 400 gms.	\$100,000	\$200,000
400 gms. > 150 kg.	\$250,000	\$500,000
150 kg. - or more 1PBL	No Bond	No Bond
893.135(1)(b)2., 3. - capital	No Bond	No Bond

ATTEMPT with Firearm (10/20/Life Offense)		Must be Set by Judge at First Appearance
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Other illegal drugs listed in 893.135(1)(c) - (e.g.,  
Morphine, opium, oxycodone, hydrocodone,  
hydromorphone, heroin):

4 gms. > 14 gms.	\$100,000	\$200,000
14 gms. > 28 gms.	\$200,000	\$400,000
28 gms. > 30 kg.	\$1,000,000	\$1,500,000
30 kg. or more 1 PBL	No Bond	No Bond
893.135(1)(3) 2., 3. - capital	No Bond	No Bond

ATTEMPT with Firearm  
(10/20/Life Offense) Must be Set by  
Judge at First  
Appearance

Phencyclidine: 893.135 (1)(d)

28 gms. > 200 gms.	\$ 50,000	\$100,000
200 gms. > 400 gms.	\$100,000	\$200,000
400 gms. or more	\$250,000	\$500,000
893.135(1)(d) 2. - capital	No Bond	No Bond

ATTEMPT with Firearm  
(10/20/Life Offense) Must be Set by  
Judge at First  
Appearance

Methaqualone: 893.135(1)(e)

200 gms. > 5 kg.	\$ 50,000	\$100,000
5 kg. > 25 kg.	\$100,000	\$200,000
25 kg. or more	\$250,000	\$500,000
893.135(3) 2. - capital	No Bond	No Bond

ATTEMPT with Firearm  
(10/20/Life Offense) Must be Set by  
Judge at First  
Appearance

Amphetamine & Methamphetamine: 893.135(1)(f)

14 gms. > 28 gms.	\$ 50,000	\$100,000
28 gms. > 200 gms.	\$100,000	\$200,000
200 gms. or more	\$250,000	\$500,000
893.135(f) 2. - capital	No Bond	No Bond

ATTEMPT with Firearm  
(10/20/Life Offense) Must be Set by  
Judge at First  
Appearance

Flunitrazepam (Ketamine): 893.135(1)(g)		
4 gms. > 14 gms.	\$ 50,000	\$ 100,000
14 gms. > 28 gms.	\$100,000	\$ 200,000
28 gms. > 30 kg.	\$500,000	\$1,000,000
30 kg. or more 1 PBL	No Bond	No Bond
893.135(1)(g) 2. - capital	No Bond	No Bond
ATTEMPT with Firearm (10/20/Life Offense)		Must be Set by Judge at First Appearance
Gamma-hydroxybutyric acid (GHB): 893.135(1)(h)		
1 kg. > 5 kg.	\$ 50,000	\$100,000
5 kg > 10 kg.	\$100,000	\$200,000
10 kg. or more	\$250,000	\$500,000
893.135(1)(h)2. - capital	No Bond	No Bond
ATTEMPT with Firearm (10/20/Life Offense)		Must be Set by Judge at First Appearance
Butanediol: 893.135(1)(i)		
1kg. > 5kg.	\$ 50,000	\$ 100,000
5kg. > 10kg.	\$100,000	\$ 200,000
10kg. or more	\$500,000	\$1,000,000
893.135(1)(i)2. - capital	No Bond	No Bond
ATTEMPT with Firearm (10/20/Life Offense)		Must be Set by Judge at First Appearance
Phenethylamines: 893.135(1)(j)		
10 gms > 200 gms	\$ 50,000	\$100,000
200 gms > 400 gms	\$100,000	\$200,000
400 gms or more	\$250,000	\$500,000
893.135(1)(j)3. - capital	No Bond	No Bond
ATTEMPT with Firearm (10/20/Life Offense)		Must be Set by Judge at First Appearance
All Other First Degree Felony Drug Offenses		\$10,000

**BAIL SCHEDULE - FELONY TRAFFIC AND DRIVER LICENSE OFFENSES**

<u>Offense</u>	<u>Florida Statute</u>	<u>Felony Degree</u>	<u>Bond Amount</u>
Driver License, Unauthorized Use or Possession	322.212	3rd	\$ 1,000
Driving Under the Influence:			
- With 3 prior DUI convictions	316.193(2)(b)	3rd	\$ 5,000
- Serious bodily injury	316.193(3)(c)(2)	3rd	\$ 5,000
-Manslaughter	316.193(3)(c)(3)a	2nd	\$10,000
-Manslaughter & LSOA	316.193(3)(c)(3)b	1st	\$15,000
Driving While License Suspended or Revoked:			
-With 2 or more prior DWLS convictions	322.34(2)(c)	3rd	\$ 2,500
-While habitual offender	322.34(5)	3rd	\$ 2,500
-Causing death or serious bodily injury	322.34(6)	3rd	\$ 5,000
-Driving commercial vehicle	322.34(7)(b)	3rd	\$ 2,500
-License permanently revoked	322.341	3rd	\$ 5,000
Fleeing Police Vehicle:			
-With lights & siren	316.1935(2)	3rd	Must be set by Judge at First Appearance
-High speed	316.1935(3)	2nd	Must be set by Judge at First Appearance
-Aggravated (+LSOA & injury)	316.1935(4)	2nd	Must be set by Judge at First Appearance

Leaving Scene of Accident

-With Personal injury to another	316.027(1)(a)	3rd	\$ 2,500
-Death	316.027(1)(b)	2nd	\$ 7,500

-Arrested for violation of 316.027(1)(b) and previously been convicted of a violation of 316.027 - crash involving death or personal injuries; 316.061 - crash involving damage to vehicle or personal property; 316.191 - racing on highways; or 316.193 - DUI; or felony violation of 322.34 - driving while license suspended, revoked, cancelled or disqualified

Must be set by Judge at First Appearance

Vehicular Homicide	782.071	3rd	\$ 5,000
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**BAIL SCHEDULE - ALL OTHER FELONIES**

a. Felony 1st degree	\$ 5,000 - \$10,000
b. Felony 2nd degree	\$ 2,500 - \$ 5,000
c. Felony 3rd degree	\$ 1,000 - \$ 2,500
d. All Other First Degree Felony Drug Offenses	\$10,000 - \$ 50,000

**ATTACHMENT B 2 - BAIL SCHEDULE - MISDEMEANORS**

<u>Offense</u>	<u>Florida Statute</u>	<u>Misd. Degree</u>	<u>Bond Amount</u>
Affray	870.01	1st	\$ 500
Assault *If the assault is an incident of domestic violence as defined in F.S.§741.28	784.011	2nd	\$ 250  Must be Set by Judge at First Appearance
Battery *If the battery is an incident of domestic violence as defined in F.S.§741.28	784.03	1st	\$ 500  Must be Set by Judge at First Appearance
Bomb or Destructive Device, Throwing, Placing or Discharging, Resulting in Bodily Harm, Regardless of Intent or Lack Thereof	790.1615(1)	1st	\$ 1,000
Concealed Weapon, Carrying	790.01(1)	1st	\$ 500
Credit Cards, Obtaining Goods by Use of False, Expired, etc. (Less than \$300)	817.481(3)(b)	2nd	\$ 250
Credit Card, Fraudulent Use (Less than \$100)	817.61	1st	\$ 500
Criminal Mischief (\$200 or less)	806.13(1)(b)(1)	2nd	\$ 250



Criminal Mischief (More than \$200, less than \$1,000)	806.13(1)(b)(2)	1st	\$ 500
Domestic Violence, Violation of Injunction	741.31	2nd	Must be set by Judge at First Appearance
Disorderly Intoxication	856.011	2nd	\$ 150
Gambling	849.08	2nd	\$ 150
Loitering or Prowling	856.021	2nd	\$ 250
Lottery (No Prior Convictions Under F.S.§849.09)	849.09(1)(e) (f)(g)(h) (i)(j)(k)	1st	\$ 150
Obtaining Public Assistance by Fraud (Less than \$200)	409.325(1) (5)(a)	1st	\$ 150
Pawn Brokers, willfully makes false entry in records	539.001(17)(b)	1st	\$ 250
Petit Theft	812.014(1)(d)		
a. First Offense		2nd	\$ 250
b. Second Offense		1st	\$ 500
Prostitution	796.07	2nd	\$ 500
Possession or Delivery Without Consideration of Less than 20 Grams of Cannabis	893.13(1)(g)	1st	\$ 250
Possession, Sale or Delivery of Any Substance Named in F.S.§893.03(5)	893.13(1)(a)3.	1st	\$ 250

Stalking	784.048(2)	1st	\$1,000
*If the stalking is an incident of domestic violence as defined in F.S.§741.28			Must be Set by Judge at First Appearance

Solicitation needs to be subsumed under the substantive offense to which the conspiracy, attempt, or solicitation applies which in general reduces the substantive offenses by one degree considered a mitigator to the underlying substantive offense.

Trespass on Property Other than	810.09	1st	\$ 150 Structure or Conveyance
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Worthless Check, Obtaining Property by (Less than \$150)	832.05	1st	\$ 150
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**BAIL SCHEDULE - ALL OTHER MISDEMEANORS**

- a. Misdemeanor 1st degree.....\$ 250 to \$ 500
- b. Misdemeanor 2nd degree.....\$ 150 to \$ 250
- c. Ordinance Violation.....\$ 150 to \$ 250

**ATTACHMENT B 3 - BAIL SCHEDULE - CRIMINAL TRAFFIC AND DRIVER  
LICENSE OFFENSES**

Offense	Florida Statute	Bond Amount
Criminal Violations of Chapter 207 F.S. (Operation of Commercial Motor Vehicles)	Ch.207	\$ 250
Criminal Violations of Chapter 320 F.S. (Vehicle License Plates)	Ch.320	\$ 250
Criminal Violations of Chapter 322 F.S. (Driver Licenses)	Ch.322	\$ 500
Criminal Violations of Chapter 322 F.S. (Driver License) EXCEPT for those offenses involving Driving with License Suspended or Revoked with 3 or more prior DUI Convictions or 5 or more Driving with License Suspended or Revoked Convictions (See Section involving Felony Traffic and Driver License Offenses for applicable bond amount).	Ch.322	\$ 500
Criminal Violations Regarding Transporting Citrus on Highways; Name and Dealer Designation on Vehicles; Load Identification	601.731	\$ 500
Driving While Under the Influence of Alcohol or Other Controlled Substance	316.193	
1st offense:		\$ 500
2nd offense:		\$ 1,000
3rd offense:		\$ 5,000
DUI and Causing Damage to Person or Property of Another	316.193(3)(c)1.	\$ 1,000
Imitation of Highway Patrol Vehicles	321.03	\$ 250

Leaving Scene of Accident Where There Is Vehicle Damage	316.061	\$ 500
Making False Reports	316.067	\$ 250
Reckless Driving	316.192	\$ 500
Refusing to Obey Police Officer or Firefighter	316.072(3)	\$ 250

**BAIL SCHEDULE - ALL OTHER CRIMINAL TRAFFIC  
AND DRIVER LICENSE OFFENSES**

- |                          |                 |
|--------------------------|-----------------|
| a. Offense of 1st degree | \$ 250 - \$ 500 |
| b. Offense of 2nd degree | \$ 150 - \$ 250 |
| c. Ordinance Violation   | \$ 250          |

**ATTACHMENT C, SECTION III, D, 5**  
**CONTACT PERSONS FOR OPERATIONAL PROCEDURES FOR FIRST**  
**APPEARANCES HELD IN ORANGE COUNTY:**

**Orange County Corrections Department:**

**Booking Release Center (BRC) Sergeant: (407) 948-3875 (Nextel cellular)**

**BRC SGT/Supervisor: 407-254-7601 (office number)**

**Inmate Records Management (IRM) Supervisor: (407) 402-8322 (Nextel cellular)**

**Inmate Records Management (IRM) Supervisor: (407) 254-7528 (office)**

**ATTACHMENT D, SECTION VII,**  
**CONTACT PERSONS FOR MOTIONS AND NOTICES OF HEARINGS ADDRESSING**  
**VIOLATIONS OF THE 33 DAY RULE PURSUANT TO FLORIDA RULE OF**  
**CRIMINAL PROCEDURE 3.134 TO BE FORWARDED TO:**

**1. State Attorney's Office at e-mail address: SAO33DayNotice@sao9.org**

**2. Clerk of Court Criminal Division Office:**

Primary contact: Criminal Division general division telephone # 407-836-2000 (Call Center)

Dawn Braddy, Division Manager - telephone # 407-836-2220

Laura Ernst, Assistant Division Manager - telephone # 407-836-2259

Seleena Singh - Supervisor – telephone # 407-836-2218

Back-up contacts:

Melissa Foster - Supervisor – telephone # 407-836-2207

Clay Watson - Supervisor - telephone # 407-376-4094 or 407-254-7626



# **ATTACHMENT E**

[Jurisdiction of trial court to admit to bail; duties and responsibilities of DOC]  
Section 903.03, Florida Statutes

- see following form order -

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR  
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

CASE NO.:

vs.

\_\_\_\_\_,  
Defendant.

\_\_\_\_\_ /

**ORDER AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO MAKE AN  
INVESTIGATION AND REPORT TO THE COURT**

Pursuant to section 903.03, Florida Statutes, the Department of Corrections shall have the authority to make an investigation in this case and report to the Court the following:

\_\_\_\_\_ The circumstances of the defendant’s family employment, financial resources, character, mental condition, and length of residence in the community;

\_\_\_\_\_ The defendant’s record of convictions, or appearances at court proceedings, of flight to avoid prosecution, or failure to appear at court proceedings; and

\_\_\_\_\_ Additional facts that may be needed to assist the Court in its determination of the defendant’s indigency and whether he or she should be released on his or her own recognizance.

\_\_\_\_\_ Other \_\_\_\_\_.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that the Department of Corrections shall have the authority necessary to make an investigation in this case and report to the court the information outlined herein. The Department of Corrections shall file its report with the Court by \_\_\_\_\_, 20\_\_.

**DONE AND ORDERED** in Orlando, Orange County, Florida, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Circuit Court Judge**

**Copies provided to:**

\_\_\_\_\_  
\_\_\_\_\_

## **ATTACHMENT F, SECTION II, E MENTAL HEALTH COURT**

### **PURPOSE:**

The purpose of the Mental Health Court (MHC) is to expedite those with mental disorders and special needs through the criminal justice system into the most appropriate treatment environment while ensuring community protection and safety for all citizens.

### **GOALS:**

- Protect public safety
- Expedite case processing
- Ensure that mentally ill offenders, or those with special needs do not spend an extended period of time in jail
- Reduce the number of times mentally ill offenders or those with special needs come into contact with the criminal justice system
- Divert mentally ill offenders or those with special needs with minor criminal charges to appropriate community based mental health services
- Divert select mentally ill offenders with violation of probation offenses to supervised community-based mental health services
- Monitor the mentally ill offenders or those with special needs through their receipt of mental health services and treatment; and
- Ensure the participation from the community and family members concerning the court's decisions.

### **TARGET POPULATION:**

Mental Health Court (MHC) is a criminal justice management process for people with mental disorders, co-occurring substance use disorders, and those with special needs, to include but not limited to: any defendant having special needs such as Alzheimer's, Dementia, Organic Brain Disease, Mental Retardation and Asperger (Autism) Syndrome who are arrested for misdemeanor offenses.

The state attorney and public defender's office on an individual basis upon request will consider second and third degree felony cases.

The offender must meet the following qualifications:

- The individual does not have any current charges for driving under the influence or have current charges or a prior conviction for murder, attempted murder, sex crimes, and other sexual related offenses (with the exception of prostitution), home invasion, crimes against children, car-jacking, aggravated battery, or any other capital life felonies;
- The individuals who have served a sentence in a state or federal correction system will be evaluated for appropriateness, excluding county jails, within the past 5 years;
- The individual has not been found guilty of a violent felony within the past 5 years;

- The individual must reside in Orange County (some exceptions for other counties – Seminole and Osceola);
- If the individual is on community control, or probation, approval must be granted from the officer supervising the offender;
- If the individual has violated probation, the probation officer’s approval is required or referral from the VOP Judge;
- Any individual with an active domestic violence injunction/protection order or currently charged with domestic violence must have victim approval;
- The Office of the State Attorney must consent or recommend that an individual be placed in MHC. The Office of the State Attorney will review any referral and can object.

Mental Health Court will be for individuals:

- Whose crimes or charges appear to be related to mental disorders and those with special needs;
- That have been referred for competency evaluation;
- With medical histories that includes a diagnosis of a mental disorder or developmental disability;
- Found to be homeless and/or who are determined by Orange County Corrections mental health staff to be in need of mental health treatment.

### **MENTAL HEALTH COURT DESIGN:**

MHC is a team approach designed to address the unique needs of an individual charged with a misdemeanor or qualified felony offense by providing appropriate treatment services. The team shall consist of the judge, prosecutor, defense attorney, Corrections Health Services (CHS) staff, Orange County Corrections Pretrial Services, forensic social worker, and Community Corrections Division (CCD) supervising officer.

MHC candidates exhibiting signs of a mental disorder are identified at the point of entry into the jail (booking) by Corrections Health Services staff. Referrals may also come from justice officials, community, or family who may believe that an individual’s involvement in the criminal process is the result of a mental disorder.

Once an individual is identified upon entry into the jail at booking, a member of the CHS mental health staff shall conduct an assessment. If the assessment indicates that the offender has a mental disorder, and is capable of agreeing to participate, the offender will be referred to CHS mental health diversion staff for further assessment and processing. A signed consent to release medical and mental health information will be obtained for the MHC.

Participation in MHC is voluntary. If the offender agrees to participate in MHC, a criminal background check will be done. If the offender meets all the criteria for MHC, the CHS mental health diversion staff will then prepare a case management plan and provide it to the court for review at the time of the first MHC hearing. The offender can be ordered to MHC at the time of the initial appearance hearing or any time thereafter.

The case management/treatment plan shall contain a discharge plan that would go into effect upon the offender's release and participation into MHC, including living arrangements, and provisions for supervision and treatment. An objective of the MHC is to place candidates in treatment as soon as possible to avoid further confinement. Once a case management/treatment plan is developed, the offender will be released as soon as possible under the supervision of a case manager in coordination with the Forensic Social Worker/Clinical Specialist and/or Community Corrections supervising officer who will monitor and support the offender through the process.

### **ADDRESSING THE CHARGES:**

The MHC is for an offender accused of crimes for which a mental health treatment plan is a reasonable alternative to the use of criminal sanctions. Timely and accurate mental health screening and evaluations are the single most critical element in a successful program. When appropriate, no charges will be filed, and the individual will be given treatment without entering the criminal justice system. The offender must waive speedy trial before entering MHC.

Timely monitoring of court processes, waiting lists, and consumer outcomes are essential to ensure that the MHC processes are responding appropriately to offenders with mental illness, and that the time spent waiting for competency evaluations (for placement in a state or civil facility) are kept to a minimum. The treatment providers are held accountable for stated policy and procedures adherence.

### **MENTAL HEALTH COURT MANAGEMENT:**

Relapses are inevitable during the treatment plan, implementation phase, and during the recovery process. The offender will be under the MHC review up to six (6) months for a second-degree misdemeanor offense and first-degree misdemeanor may be extended up to one (1) year. Felony cases will be monitored no longer than one (1) year. As a result of this, the forensic social worker/supervising officer will be required to give information to the court in the form of a status hearing concerning the offender. If the offender is not following the treatment plan, and there is a lack of demonstrated cooperation, the forensic social worker/supervising officer would report these behaviors to the court in a status hearing. The participant may be revoked from the program and re-entered into the criminal justice system.

The principle behind MHC is to avoid prosecution and incarceration of the mentally ill offender in favor of placement and participation in community mental health programs. A number of different approaches will be followed to make offenders with mental illness accountable for their criminal behaviors while providing appropriate levels of support and supervision.

A CCD supervising officer will be assigned to mental health cases to monitor. The supervising officer will be part of the MHC team and will report to the court on the cases being monitored. The report will consist of performance and compliance history, and will be provided at the time of disposition, or as requested.

The activities of Mental Health Court will be monitored by the Orange County Criminal Justice/Public Safety Coordinating Council.

## **TREATMENT APPROACH:**

Participation in the MHC is part of the treatment approach and discharge plan, and is a referral system. Offenders will be advised of the terms and nature of the proposed treatment plan. Each individual will be provided with a treatment plan by a clinical specialist/forensic social worker. Arrestees with co-occurring disorders, however, may require a period of detoxification and stabilization prior to discussing a treatment plan and/or referral to the MHC. The treatment plan will include:

- Treatment options (Mental Health Pretrial Release – MH-PTR; Florida Assertive Community Treatment – FACT; Clinical Case Management – CCM)
- Assigned Case Manager
- Housing Arrangements
- Appointments for Assessment, if required
- Treatment follow-up for schedule and medications.

The role of the MHC is to provide a consolidation and coordination of information presented to the court for those who are seriously and persistently mentally ill, including those with co-occurring substance use disorders. Case management of the seriously and persistently mentally ill will be consolidated under one tracking system to assure that the individual's mental disorder is the focus rather than the charge. Coordination of services will be provided through a treatment plan that is necessary to prevent fragmentation. Confidentiality agreements between community agencies that participate in finding an appropriate treatment setting and services have been established to safeguard the inmate's medical and mental health information.

The offender who successfully completes the MHC treatment plan will receive a completion certificate and charges will be dropped. Those offenders who are revoked from the MHC will have their case go through the normal court case track.



*Jeffrey L. Ashton*  
**State Attorney**  
*Ninth Judicial Circuit*

Linda Drane-Burdick  
Chief Assistant State Attorney

415 N. Orange Avenue  
Post Office Box 1673  
Orlando, FL 32802  
(407)836-2400

**MENTAL HEALTH COURT REFERRAL INFORMATION SHEET**

CASE NO: \_\_\_\_\_

DEFENDANT

**DEFENDANT'S ADDRESS:**

\_\_\_\_\_

**CHARGE(S):**

\_\_\_\_\_

**DEFENSE ATTORNEY:**

\_\_\_\_\_

**PHONE:**

\_\_\_\_\_

**VICTIM'S NAME:**

\_\_\_\_\_

**ADDRESS:**

\_\_\_\_\_

**PHONE:**

\_\_\_\_\_

**Cost of Investigation:**

\$

**To the following Agency:**

\_\_\_\_\_

**Has the defendant waived speedy trial?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

ASA recommending referral:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Approved by Intake Bureau Chief or  
Designee

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**\*\* COPY OF CHARGING AFFIDAVIT, MENTAL HEALTH COURT PSYCHOSOCIAL  
ASSESSMENT / TREATMENT & DISCHARGE PLAN MUST BE ATTACHED \*\***