

ADMINISTRATIVE ORDER
NO. 07-98-45

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

**AMENDED ADMINISTRATIVE ORDER GOVERNING PROCEDURES
FOR OUT OF COUNTY ENDORSED BONDS**

WHEREAS, Section 903.21 (3), Florida Statutes, provides procedures for a surety/bail bonds agent to surrender a defendant to the custody of the Orange County Correctional Facility and to be released from liability under the bond; and

WHEREAS, it is necessary that additional procedures be established for the release of a surety's/bail bonds agent's liability under the bond when the defendant is held in custody in a jail facility outside of Orange County;

NOW, THEREFORE, I, Belvin Perry, Jr. pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 do hereby order the following:

1. Procedures:

a. Should a defendant who is released on bond in an Orange County case thereafter be arrested and held in custody in an outside county's jail facility in Florida based upon a charge against the defendant in the outside county, the surety/bail bonds agent who pursues release from liability under the Orange County bond prior to any breach of the bond must file a sworn Affidavit and Proposed Order for Re-commitment to Custody of Defendant and for Surety's/Bail Bonds Agent's Release from Liability under the Bond. The Affidavit must be signed by the surety/bail bonds agent under oath verifying the truthfulness of the grounds stated in such Affidavit.

The Affidavit and Proposed Order shall be filed with the presiding Judge in the Orange County case. However, if a judge has not yet been assigned to the Orange County case, then the surety/bail bonds agent shall file the Affidavit and Proposed Order with the Administrative Judge of the Circuit Criminal Division if the case is a felony case, or with the Administrative Judge of the County Criminal Division, if the case is a county criminal case. Pursuant to Section 903.21(2), Florida Statutes, the surety/bail bonds agent shall give the State Attorney at least three (3) days notice of application for an order of exoneration and shall furnish the State Attorney a copy of the Affidavit and the bond.

Should a surety/bail bonds agent find it necessary to submit the Affidavit and Proposed Order on a Saturday, Sunday or on a court holiday, then the surety/bail bonds agent shall submit the Affidavit and Proposed Order to the Emergency Duty Judge at the Initial Appearance proceedings. When Orders are entered on Saturday, Sunday or court holidays, the surety/bail bonds agent shall be responsible for filing the original Affidavit and Order with the Clerk of Court the next business day.

b. The surety's/bail bonds agent's attorney shall use the form Affidavit and Proposed Order attached to this Administrative Order. Additional copies of the forms may be obtained from the offices of the Clerk of the Circuit Criminal Division and the Clerk of the County Criminal Division.

c. Upon the Judge entering the Order, the surety/bail bonds agent shall be responsible for filing the original Affidavit and signed Order with the Clerk of Court. Furthermore, should the Judge grant the surety's/bail bonds agent's request and upon filing the Order, the surety/bail bonds agent shall provide to the Clerk of Court funds, either in cash or by check made payable to

the Orange County Sheriff's Office for the Sheriff's transportation costs. The transportation costs shall be based upon the schedule of costs provided by the Orange County Sheriff's Office-Warrants Section. This schedule may be obtained from the Clerk of Court along with the Affidavit and Proposed Order forms.

d. The Order granting the surety's/bail bonds agent's request shall not become effective until the funds for the transportation costs are provided to the Clerk of Court.

e. Upon filing of the original Affidavit and Order granting said request, the Clerk of Court or the surety/bail bonds agent shall forward certified copies of the Order to the Orange County Sheriff's Office-Warrants Section and to Orange County Corrections. In addition, the Clerk of Court or the surety/bail bonds agent shall also forward funds for the transportation costs to the Sheriff's Office-Warrants Section along with the certified copy of the Order.

f. Upon receipt of the certified copy of the Order and the funds for the transportation costs, the Orange County Sheriff's Office-Warrants Section shall place a hold against the defendant in the outside county. When the defendant is transported back to Orange County, the Warrants Section shall forward the funds for the transportation costs to the Orange County Sheriff's Finance Department for deposit.

g. If the defendant is not transported, but instead the defendant bonds out, the Orange County Sheriff's Office-Warrants Section shall notify the Clerk of Court and shall return the funds for the transportation costs to the surety/bail bonds agent.

2. Contents of the Affidavit:

The Affidavit must include the following provisions which the surety/bail bonds agent shall verify as true and correct:

- a. The name and full address of the jail or prison in the outside county in which the defendant is currently being held in custody;
- b. The charge(s) for which the defendant is being held in the outside county;
- c. The surety/bail bonds agent has verified with the State Attorney in this Circuit that the Orange County case is still pending and the defendant must be transported back to Orange County for such case and the pending Orange County charges against the defendant must be stated;
- d. The surety/bail bonds agent is willing and able to pay for the costs of transporting the defendant from the outside county's jail facility to the Orange County Correctional Facility;
- e. The surety/bail bonds agent shall comply with all procedures required under the Judge's Order and this Administrative Order for release from liability under the bond.

3. Contents of Proposed Order:

The Proposed Order must include the pending Orange County charges against the defendant and it must direct the Orange County Sheriff's Office to:

- a. Place a hold on the defendant in the outside county's jail facility upon receipt of the certified copy of the Order and the funds for the transportation costs;
- b. Order the transportation of the defendant from the outside county's jail facility to the Orange County Correctional Facility (unless the Defendant has been previously released on bond) and state the date when the defendant is to be returned to the Orange County Correctional Facility (factor in a time period of at least five working days for the Sheriff to return the defendant) along with the provision "or as soon thereafter as possible" and include the trial/hearing date in the Proposed Order.

c. Re-commit the defendant to custody in the Orange County Correctional Facility;

Furthermore, the Proposed Order shall state that the Order shall not become effective until the funds for the transportation costs are provided to the Clerk of Court at which time the Clerk of Court shall release the surety/bail bonds agent from liability on the bond and the Orange County Sheriff's Office shall place a hold against the Defendant in the outside county's jail facility.

4. Should the Judge allow the defendant to post a new bond, the defendant may be released from custody again upon the conditions of the new bond.

5. This Administrative Order shall become effective immediately and Administrative Order No. 07-97-35 is vacated and set aside.

DONE AND ORDERED at Orlando, Florida, this 26th day of April, 1999.

/s/ Belvin Perry, Jr.
Belvin Perry, Jr.

Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar Association
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County

The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Russell E. Crawford, Attorney for the Bail Bondsman Association
Official Records, Orange County Comptroller

Administrative Order No. 07-98-45

FORM 1.

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

CASE NO. _____
DIVISION NO. _____
POWER NO. _____

State of Florida,

Plaintiff,

vs.

_____ ,

Defendant.

(state full name, race, sex and date of birth of defendant)

_____ /

**AFFIDAVIT IN SUPPORT OF RE-COMMITMENT OF DEFENDANT TO
CUSTODY AND FOR SURETY'S/BAIL BONDS AGENT'S RELEASE
FROM LIABILITY UNDER THE BOND**

Before me, the undersigned authority appeared, _____, surety/bail
bonds agent for Defendant _____, who, first being duly sworn, deposes and
says the following grounds in support of his/her request for re-commitment of defendant to the
custody of the Orange County Correctional Facility and for release of _____ surety/bail bonds agent
from liability under the bond issued for said Defendant in the above styled case to wit:

1. The pending charges in Orange County against Defendant are: _____
_____.

2. Defendant, _____, was released on bond from the Orange County Correctional

Facility on _____, 19__;

3. Upon release of Defendant, Defendant was thereafter arrested and is currently in custody at (state the name and full address of the jail or prison in the outside county in which Defendant is currently being held in custody);

4. The charge(s) for which Defendant is being held in _____ County is/are _____ and Defendant must remain in custody in _____ County's jail facility while the _____ County case is pending;

5. The surety/bail bonds agent has verified with the State Attorney in the Ninth Judicial Circuit that the above styled case in Orange County is still pending and that Defendant must be transported back to Orange County as soon thereafter as possible for such case (unless the Defendant has been previously released on bond).

6. The surety/bail bonds agent is willing and able to pay for the costs of transporting Defendant from _____ County's jail facility to the Orange County Correctional Facility;

7. The surety/bail bonds agent shall comply with all procedures required as stated in the Order and in Administrative Order No. 07-98-45 for release from liability under the bond.

DATED this ____ day of _____, 19__.

Verification of Surety/Bail Bonds Agent:

I swear under oath that the above stated facts are true and correct.

Signature of Affiant-Surety/Bail Bonds Agent
(and print name below signature)

NOTARY:

I attest that the Affiant is personally known to me, or the Affiant has produced

_____ as identification, and that an oath was taken. SWORN TO AND
SUBSCRIBED before me this ____ day of _____, 19__.

Notary Public
Printed Name of Notary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to
the following persons: _____ (list persons) by
_____ (hand delivery, inter-office mail or United States Mail) this ____ day
of _____, 19__.

Surety's/Bail Bonds Agent's
Signature

FORM 2.

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

CASE NO. _____
DIVISION NO. _____
POWER NO. _____

State of Florida,

Plaintiff,

vs.

_____,

Defendant.

(state full name, race, sex and date of birth of defendant)

_____ /

**ORDER FOR RE-COMMITMENT OF DEFENDANT TO CUSTODY AND FOR
SURETY'S/BAIL BONDS AGENT'S RELEASE FROM LIABILITY
UNDER THE BOND**

THIS CAUSE having come before me upon the Affidavit in Support of Re-commitment of Defendant to Custody and for Surety's/Bail Bonds Agent's Release from Liability under the Bond and the Court having reviewed said Affidavit and being fully advised in the premises, it is hereby

ORDERED AND ADJUDGED:

1. Surety's/Bail Bonds Agent's request for re-commitment of defendant to custody and for surety's/bail bonds agent's release from liability under the bond is granted/denied.

2. The pending charges in Orange County against Defendant are: _____
_____.

3. The Orange County Sheriff's Office shall: (judge check and complete the applicable provisions)

___ a. Place a hold on Defendant in _____ County upon the receipt of a certified copy of this Order and the funds for the transportation costs;

___ b. Order the transportation of Defendant from _____ County's jail facility to the Orange County Correctional Facility so that the Defendant shall be returned to the Orange County Correctional Facility by _____ (date) or as soon thereafter as possible. The trial/hearing date is scheduled for _____ (date and time);

___ c. Re-commit Defendant to custody in the Orange County Correctional Facility;

___ 4. The Clerk of Court shall release the surety/bail bonds agent from liability on the bond, upon receipt of the this Order granting such request and upon receipt of the funds for the transportation costs;

___ 5. Defendant may post a new bond and Defendant may be released from custody again upon the conditions of the new bond. The new bond amount is \$_____.

___ 6. This Order granting such request shall not become effective until the funds for the transportation costs are provided to the Clerk of Court.

DONE AND ORDERED at Orlando, Florida this ___ day of _____, 19__.

CIRCUIT/COUNTY JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following persons: _____ (list persons) by _____ (hand delivery, inter-office mail or United States Mail) this ___ day of _____, 19__.

JUDICIAL ASSISTANT