

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

Section 903.046, Florida Statutes, and Florida Rule of Criminal Procedure 3.131 both address pretrial release. Rule 3.131 provides that unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or a violation of a municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial or assure the integrity of the judicial process, the accused may be detained, pursuant to section 907.041, Florida Statutes. Among other items, section 903.046, Florida Statutes, provides that the purpose of bail determinations in criminal proceedings is to ensure the appearance of the criminal defendant at subsequent proceedings and to protect the community against unreasonable danger from the criminal defendant.

Both the statute and the rule require the court to consider multiple factors, including but not limited to, the nature and circumstances of the offense; the weight of the evidence against the defendant; the defendant's family ties; the length of residence in the community; employment history; financial resources and mental conditions; the defendant's past and present conduct related to criminal history; probability of danger to the community; the source of funds to post bail; and the defendant's legal status.

This Administrative Order is entered in order to implement the statute, the rule and case law pertaining to pretrial release. Therefore, attachments A1, A2 and A3, are for use only for setting bail prior to first appearance. The attachments setting forth bond amounts prior to first appearance are not intended to and do not bind the judge at first appearance or at any subsequent bond hearing. Judges presiding over bond hearings shall consider the criteria for bond set forth in the applicable statute and rule and may not rely on the attached schedules.

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 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:

First appearance shall be performed by each judge assigned to Osceola County on a rotating basis. When the courthouse is closed, the emergency duty judge shall conduct the first

appearance. All pretrial matters not heard at the first appearance shall be scheduled before the judge to whom the case is assigned, including bond hearings and modifications of release conditions.

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.

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 D.

Osceola 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.

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 two 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 Osceola 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 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,

Osceola 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 Osceola, Orange, Seminole, Brevard, Lake, Polk, Indian River or Okeechobee 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 Osceola 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 ROR pursuant to Florida Rule of Criminal Procedure 3.125(c).

6. Any accused person booked into the Osceola County Jail on a worthless check warrant may be released on his or her own recognizance once the Osceola 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 Osceola 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.: Orange, Polk, Lake, Okeechobee, Indian River, 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 Osceola County Department of Corrections by telephone, and thereafter filing a written Notice of Release with the Chief Judge, the Clerk, and the Osceola 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 Osceola County Department of Corrections and the arresting agency determines that an error occurred and the accused should be released, then Osceola 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 Osceola 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 on the date and at a time agreed upon by the State Attorney and the Judges of the County Court of Osceola County at the Osceola County Courthouse, 2 Courthouse Square, Kissimmee, FL 34741;

(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. Venue:

a. 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 capias, 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 capias 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. Osceola County Pretrial Release Program (PTR):

A. 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 policy of pretrial detention and release will assure the detention of those persons posing a threat to society; while reducing the costs for incarceration by releasing, until trial, those persons not considered a danger to the community who meet certain criteria.

Unless a judge specifically orders otherwise, a person arrested for a non-violent 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 domestic violence shall be released into the Osceola County Pretrial Release Program before Initial Appearance provided that:

1. Pursuant to section 907.041(3)(b), Florida Statutes, the Osceola County Pretrial Release Program certifies to the court that it has investigated or otherwise verified:

- a. The circumstances of the accused person's family, employment, 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.
- d. The accused person must reside in or own real property in the State of Florida.

2. In addition, the accused person must meet the following qualifications:

- a. The accused person does not have any current charges related to domestic violence or violation of domestic battery injunctions or any prior conviction for murder, attempted murder, sex crimes, home invasion, crimes against children, carjacking, or any other capital or life felonies;
- b. The accused person must have a risk assessment score * of moderate or below;
- c. The accused person is not currently on bail (monetary or non-monetary), or probation or parole, or other legal constraint;

d. The accused person has not exhibited mental illness or behavior indicating he/she might cause harm to himself/herself or another.

B. Pursuant to Florida Rule of Criminal Procedure 3.131, 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 presence at trial, or assure the integrity of the judicial process, the accused may be detained. It is also the intent of the Legislature to create a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime as defined in section 907.041(4), Florida Statutes.

Any accused person may be released into the Pretrial Release Program after Initial Appearance, with a judicial order, provided that:

1. Pursuant to section 907.041(3)(b), Florida Statutes, the Osceola County Pretrial Release Program certifies to the court that it has investigated or otherwise verified:

a. The circumstances of the accused person's family, employment, 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.

2. Based upon a criminal history investigation, the accused person must meet the following qualifications:

a. The accused person does not have any current charges of murder, attempted murder, sex crimes, home invasion, robbery, crimes against children, or any other capital or life felonies;

b. The accused person is not currently on bail (monetary or non-monetary), probation or parole, or other legal constraint;

c. The accused person has not exhibited mental illness or behavior indicating he/she might cause harm to himself/herself or another.

3. 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 section 948.06, Florida Statutes;

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 section 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 section 775.084(1)(b), a three-time violent felony offender as defined in section 775.084(1)(c), or a sexual predator under section 775.21, and who is arrested for committing a qualifying offense as defined in section 948.06(8)(c) on or after March 12, 2007.

However, section II.C.B.3 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.

No accused person will be released to the Pretrial Release Program who does not qualify regardless of any other condition set in conjunction therewith. If an accused person is ordered to PTR or Bond with PTR and it is determined that the accused does not meet the criteria for acceptance into the Program, the jail must notify the judge who ordered the PTR or Bond with PTR and the accused must then be brought before the assigned judge to set new terms of release.

The Osceola County Corrections Department conducts routine assessments of the jail population. If the Chief of Corrections or his/her designee determines that an inmate incarcerated for a non-violent 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 domestic violence, qualifies for release based on established criteria as outlined in Section C (A, 1 & 2), then that inmate shall be released into the Pretrial Release Program.

Release under this Program shall include a condition that the person comply with all orders of the court, appear at all court hearings, refrain from any criminal activity, refrain from contact with any alleged victims, and any other condition specifically ordered by the court. All Program participants will be supervised according to their pretrial risk assessment score*. 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 judge assigned to have his/her release revoked and have a warrant issued.

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

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

1. The Osceola County Mental Health Pretrial Release Program certifies at first appearance to the court that it has investigated or otherwise verified that the accused person is currently suffering symptoms from a severe and persistent mental illness under the current Diagnostic and Statistical Manual of Mental Disorders, and provides to the court a preliminary treatment plan to meet the individual's needs and that the arrestee is an Osceola 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, robbery, crimes against children, aggravated battery, or any other capital life felonies;

b. The accused person is not currently on bail (monetary or non-monetary) or other legal constrain;

c. The accused person has not exhibited mental illness or behavior indicating he/she might cause harm to himself/herself or another;

d. If the accused is on community control, probation or parole, approval must be granted by the officer supervising the accused person;

* A pretrial risk assessment instrument is a one-page summary of the characteristics of an individual that presents a score corresponding to their likelihood to fail to appear in court or be re-arrested prior to the completion of their current case. This instrument consists of 11 questions about the nature of the current offense, criminal history, employment, residency, drug and mental health, and other stabilizing factors. Responses are weighted, based on data that shows how strongly each item is related to the risk of flight or re-arrest. The answers are tallied to produce an overall risk assessment score.

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

f. 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/her objection release under this program;

Release under this Program shall include a condition that the person comply with all orders of the court, appear at all court hearings, refrain from any criminal activity, refrain from contact with any alleged victims, and any other condition specifically ordered by the court. 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 medication. 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 judge assigned to have his/her release revoked and have a warrant issued.

It is anticipated that occasionally accused persons who do not meet the requirements of this Order may, due to other circumstances, appear to be acceptable candidates for participation in the Mental Health Pretrial Release Program. In those cases, specific orders allowing the release from jail will be sought from the first appearance judge or if charges have been filed, the assigned judge.

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. 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. Osceola County Corrections shall immediately notify the Department of Corrections of the new arrest so that the Department of Corrections can take the appropriate action.

F. Bail Schedule:

The bail bond schedule, attached hereto as Attachments A 1, A 2, & A 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 A 1**" for felonies, "**Attachment A 2**" for non-traffic misdemeanors and ordinance violations, and "**Attachment A 3**" for criminal traffic misdemeanors. The bond amount for additional subsequent charges shall be set as follows:

Felony, Life, PBL.....	No Bond
Felony, 1 st degree.....	Set by Bond Schedule
Felony, 2 nd degree.....	\$ 150.00
Felony, 3 rd 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 A 1**".

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

Felony, 1 st degree.....	\$ 5,000.00 to \$10,000.00
Felony, 2 nd degree.....	\$ 2,500.00 to \$ 5,000.00
Felony, 3 rd 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 A 1**" for felonies, "**Attachment A 2**" for non-traffic misdemeanors and ordinance violations, and "**Attachment A 3**" for criminal traffic misdemeanors. The bond amount for additional subsequent charges shall be set as follows:

Felony, Life, PBL.....	No Bond
Felony, 1 st degree.....	Set by Bond Schedule
Felony, 2 nd degree.....	\$ 150.00

Felony, 3 rd 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 A 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 D.

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

Misdemeanor, 1 st degree.....	\$250.00 to \$500.00
Misdemeanor, 2 nd 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 A 1”** for felonies, **“Attachment A 2”** for non-traffic misdemeanors and ordinance violations, and **“Attachment A 3”** for criminal traffic misdemeanors. The bond amount for additional subsequent charges shall be set as follows:

Felony, Life, PBL.....	No Bond
Felony, 1 st degree.....	Set by Bond Schedule
Felony, 2 nd degree.....	\$ 150.00
Felony, 3 rd 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 A 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 Osceola 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 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;

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.

G. Home Confinement Program (HC):

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 policy of pretrial detention and release will assure the detention of those persons posing a threat to society while reducing the costs for incarceration by releasing, until trial, those persons not considered a danger to the community who meet certain criteria. The Home Confinement Program provides the judiciary another alternative to incarceration for pretrial detainees awaiting trial. In addition to a court order, the accused person must meet the following qualifications:

1. Home Confinement can only be supervised utilizing GPS equipment which has a radio frequency component. This requires all persons who are accepted into the Home Confinement Program to wear a GPS monitoring device. This condition cannot be waived;
2. The accused person must live in an approved residence within Orange or Osceola Counties, (some areas of Polk County are also considered);
3. If home confinement is ordered as a condition of bond, the bond must be paid prior to releasing the accused person;
4. The accused person must have a standard land line phone with basic phone service with no added features and toll free access. Cell phone service is not sufficient;
5. The accused person cannot have any holds for any other criminal matters;
6. The accused person is not serving a jail sentence for another charge;
7. It is recommended that the accused person have a risk assessment score[†] of Moderate or High for participation in the Home Confinement Program. Low and Low Moderate risk defendants have a higher rate of success without this level of supervision.
8. The accused person does not have any current charges of murder, attempted murder, sex crimes, home invasion, robbery, crimes against children, or any other capital life felonies.

[†] A pretrial risk assessment instrument is a one-page summary of the characteristics of an individual that presents a score corresponding to their likelihood to fail to appear in court or be re-arrested prior to the completion of their current case. This instrument consists of 11 questions about the nature of the current offense, criminal history, employment, residency, drug and mental health, and other stabilizing factors. Responses are weighted, based on data that shows how strongly each item is related to the risk of flight or re-arrest. The answers are tallied to produce an overall risk assessment score.

Only persons who meet the criteria established herein and are referred by the court to the Home Confinement Program will be accepted. Random substance abuse testing is completed to ensure the accused person's sobriety. The accused person's movement is restricted to essential travel only (essential travel is to be limited to employment, educational programs, court ordered conditions, or medical or lawyer appointments). 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 judge assigned to have his/her release revoked and have a warrant issued.

If an accused person is ordered to the Home Confinement Program and it is determined that the accused does not meet the criteria for acceptance into the Home Confinement Program, the jail must notify the judge who ordered the home confinement. The accused must then be brought before the assigned judge to set new terms of release.

If and when the Home Confinement Program reaches capacity as determined by the Osceola County 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.

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 Osceola 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 Osceola 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 Osceola County:

There will be one session for first appearance hearings in Osceola County, Florida, at 1:30 p.m., Monday through Friday, except on holidays and weekends. The time frames may be changed upon twenty-four hours notice, as a result of experience, collection court, in-jail arraignments and bond hearings.

IV. Returnable Dates and Locations:

A. Felonies:

Persons arrested for felony offenses and released from jail prior to arraignment are to report to the Osceola County Courthouse, 2 Courthouse Square, Kissimmee, FL 34741, for arraignment when notified by the Clerk of the Court.

B. Misdemeanors:

1. Misdemeanors:

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

C. Traffic Offenses:

1. Traffic offenders returnable to the courthouse:

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

E. Emergency Procedures if Fiber Network System Not Operational:

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 presiding Judge and Court Personnel may travel to the Osceola County Jail Facility Courtroom to conduct first appearance proceedings live, or as directed by the Chief Administrative Judge.

F. How to Contact Involved Individuals:

See contact list attached hereto as “Attachment B.”

V. 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. (07-85-21).

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. (07-85-21 with changes). 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 assigned initial appearance judge 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 initial appearance judge, 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. (07-85-21 with changes).
1. Felonies cases for the same defendant which are assigned to various felony divisions shall be reassigned to the division with the lowest 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 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 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. (07-97-52, par. 3 is vacated).
 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 both criminal traffic and 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 both criminal traffic and criminal misdemeanor cases are pending, but the cases are not related other than the same defendant is charged in each case, 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 case(s) pending to the Division which has the case where the earliest date of offense occurred.
3. When a defendant has more than one criminal traffic case pending, but the cases are not related except that the same defendant is charged in each case, then either the State or the defendant may file in the case a Request for Administrative Transfer and the Clerk of Court is hereby directed to transfer the case(s) pending to the Division which has the case where the earliest date of offense occurred.
4. 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.
5. 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. (07-97-52, par 4 included).
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. (07-89-05, incorporated).

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

A. Hearings addressing violations of the 33-day rule shall be heard by the judge to whom the case is assigned.

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 Osceola County Sheriff's Office. See contact list attached hereto as "Attachment C."

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 C."

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.

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

A. Administrative Order 07-98-47-17 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

B. Administrative Order No. 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 9th day of May, 2019.

_____/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>

ATTACHMENTS A 1, A 2, & A 3, SECTION II, E- 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 D.

ATTACHMENT A 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 rd	\$ 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 nd	No Bond (unless set by judge)
Extortion	836.05	2nd	\$2,500
Failure of Defendant on Bond to Appear	843.15(1)(a)	3 rd	\$ 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 rd	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 st	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 rd	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 st	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	\$ 7,500
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

<p>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 of: a School;/ Church;/ Child Care Facility; /Convenience Store; Park, Community Center; Publicly owned Recreational Facility</p>	<p>893.13(1)(c)1. & 893.13(1)(e)1.</p>	<p>1st</p>	<p>\$10,000</p>
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<p>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</p>	<p>893.13(1)(c)2. & 893.13(1)(e)2.</p>	<p>2nd</p>	<p>\$10,000</p>
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<p>Trafficking or Conspiracy To Traffic 893.135 or Attempted Trafficking in Controlled Substances: (all 1st degree felonies)</p>	<p><u>Bond</u> <u>Amount</u></p>	<p><u>Armed with weapon</u> <u>Bond Amount</u></p>
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<p>Cannabis: 893.135(1)(a): 25 lb. > 2,000 lb. 2,000 lb. > 10,000 lb. 10,000 lb. or more</p>	<p>\$ 25,000 \$ 50,000 \$200,000</p>	<p>\$ 50,000 \$100,000 \$400,000</p>
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<p>ATTEMPT with Firearm (10/20/Life Offense)</p>	<p>Must be Set by Judge at First Appearance</p>
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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

Other illegal drugs listed in 893.135(1)(c) - (e.g.,
Morphine, opium, oxycodone, hydcodone,
hydromorphone, heroin):

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)(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

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 A 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 *If the stalking is an incident of domestic violence as defined in F.S.§741.28	784.048(2)	1st	\$1,000 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
Worthless Check, Obtaining Property by (Less than \$150)	832.05	1st	\$ 150

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 A 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 B, SECTION IV, F
CONTACT PERSONS FOR OPERATIONAL PROCEDURES FOR FIRST
APPEARANCES HELD IN OSCEOLA COUNTY:

Osceola County Corrections Department:

Allison Chapman - Inmate Services Manager: (407) 742-4551 (o); (321) 624-1962 (c)

Tiffany Griggs - Assistant Inmate Services Manager: (407) 742-4417 (o); (407) 908-5436 (c)

Cynthia Rivera -

Unit Supervisor, Inmate Records & Courts: (407) 742-4418 (o); (321) 624-9550 (c)

Tammie Taussig - Community Supervision Supervisor,

Pretrial Release & Home Confinement: (407) 742-4552 (o); (321) 624-1029 (c)

Lieutenant John Cooper - Inmate Transportation: (407) 742-4416 (o); (407) 908-3836 (c)

ATTACHMENT C, SECTION VI,
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:

Felony Cases: Shannon Richards - Manager – (407) 742-3581

Misdemeanor/Traffic: Debbie Fertic - Manager – (407) 742-3573

Back-up contact:

Catherine Smith – Administrator – (407) 742-3540

ATTACHMENT D

[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
OSCEOLA 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 _____, 200__.

DONE AND ORDERED in Kissimmee, Osceola County, Florida, on this _____ day of _____, 200__.

Circuit Court Judge

Copies provided to:

