

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 4.202-11/10*

IN RE: SCHEDULE OF BONDS AND PROCEDURES
RELATING TO PRE-FIRST APPEARANCE RELEASE

The Fifteenth Judicial Circuit has established a system for the release of persons accused of crimes on bond prior to the first appearance hearing. It is necessary to establish a uniform schedule to designate those offenses eligible for bond release prior to first appearance and the amount of such bond.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

I. CRIMES NOT ELIGIBLE FOR BOND PRIOR TO FIRST APPEARANCE

The following offenses are crimes of violence and persons charged with these offenses shall not be eligible for release on bond prior to a first appearance hearing, **unless otherwise specified on an active warrant**.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>DEGREE</u>
806.01(1)	Arson, 1st Degree	F1
806.031(2)	Arson/Great Bodily Harm	F2
784.021	Assault/Aggravated	F3
784.021	Assault/Aggravated Law Enforcement Officer	F2
784.08(2)(c)	Assault/Aggravated/on Person 65 or Older	F2
784.021(1)(a)	Assault/Aggravated/With Deadly Weapon	F3
784.041	Battery/Felony Battery	F3

784.045	Battery/Aggravated	F2
784.045(1)(a)	Battery/Aggravated/Great Bodily Harm	F2
784.045(1)(a)	Battery/Aggravated/Great Bodily Harm/F/Arm	F1
784.045	Battery/Aggravated/Law Enforcement Officer	F1
784.045(1)(b)	Battery/Aggravated/of a Pregnant Victim	F2
784.045(1)(a)	Battery/Aggravated/With a Firearm	F2
784.08(2)(c)	Battery on a Person 65 or Older	F3
790.161(3)	Bomb, Destructive Device/Cause Bodily Harm	F1
790.161(4)	Bomb, Destructive Device/Causing Death	FC
810.02(2)(b)	Burglary/Armed	F1
810.02(3)	Burglary/Occupied	F2
810.02(3)(b)	Burglary/Occupied Structure, Conveyance With Mask	F1
810.02(3)	Burglary/Unoccupied Dwelling	F2
810.02(2)(a)	Burglary/With Assault or Battery	F1
810.02(2)(a)	Burglary/With Assault or Battery/Armed	F1
827.03	Child Abuse/Aggravated	F2
790.19	Deadly Missile/Shoot, Throw	F2
741.28(1)	Domestic Violence**1	Varies

1 **741.28 Domestic violence; definitions [in part].

- (1) "Domestic Violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.
- (2) "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

741.31	Domestic Violence, Violation of Injunction	M1
893.135	Drug Trafficking, in general	F1
316.193(3)(c)(3)	DUI Manslaughter	F2
316.193(3)(c)(2)	DUI Serious Bodily Injury	F3
825.102(1)	Elderly, Disabled Adult/Abuse/ Great Bodily Harm	F3
794.041(2)(b)	Engage in Sexual Act With Familiar Child	F1
944.40	Escape	F2
787.02(3)	False Imprisonment of Child Under Age 13	F1
790.15(2)	Firearm/Discharge From a Vehicle	F2
790.23	Firearm/Possession by Felon	F2
790.115(2)(c)	Firearm/School Property/Possession	F3
790.115(2)(d)	Firearm/School Property/Discharge	F2
790.07(2)	Firearm/Use, Display While Committing a Felony	F2
787.01(2)	Kidnapping	F1
782.09	Killing of Unborn Child by Injury to Mother	F2
782.11	Killing/Unnecessary, to Prevent Unlawful Act	F2
316.027(2)(b)	Leave Scene of Accident/Death	F2
800.04	Lewd and Lascivious Assault on Child	F2
870.03	Looting	F3
782.07	Manslaughter	F2
782.07	Manslaughter/With a Deadly Weapon	F1

782.04(1)	Murder, 1st Degree	FC
782.04(1)	Murder, 1st Degree/Attempt	F1
782.04(1)	Murder, 1st Degree/Conspire	F1
782.04(1)	Murder, 1st Degree/Law Enforcement Officer	FC
782.04(2)	Murder, 2nd Degree	F1
782.04(2)	Murder, 2nd Degree/Attempt	F2
782.04(3)	Murder, 2nd Degree/Felony	F1
782.04(2)	Murder, 2nd Degree/Law Enforcement Officer	F1
782.04(2)	Murder, 2nd Degree/With a Deadly Weapon/AttF1	
782.04(4)	Murder, 3rd Degree	F2
782.04(4)	Murder, 3rd Degree/Attempt	F3
782.04(4)	Murder, 3rd Degree/Law Enforcement Officer	F2
782.04(4)	Murder, 3rd Degree/With a Firearm	F1
914.23	Retaliate Against Witness/Bodily Injury	F2
812.13(2)(b)	Robbery/Armed	F1
812.13(2)(b)	Robbery/Armed/Attempt	F2
812.13(2)(b)	Robbery/Armed/Conspiracy	F2
812.13(2)(b)	Robbery/Armed/Principal	F1
812.133	Robbery/Car jacking	F1
812.133(2)(a)	Robbery/Car jacking/Armed	F1
812.13(2)(a)	Robbery/Deadly Weapon, Firearm/Attempt	F2
812.135	Robbery/Home Invasion	F1

812.133(3)(a)	Robbery/Car jacking/Attempt	F1
812.133(2)(a)	Robbery/Deadly Weapon, Firearm	F1
812.13(2)(c)	Robbery/Strong-arm/Masked	F1
812.13(2)(c)	Robbery/Strong-arm	F2
812.13(2)(c)	Robbery/Strong-arm/Attempt	F3
794.011(5)	Sexual Battery/By Physical Force	F2
794.011(5)	Sexual Battery/By Physical Force/Attempt	F3
794.011(5)	Sexual Battery/By Physical Force/Gang	F1
794.011(4)	Sexual Battery/By Threats	F1
794.023	Sexual Battery/Multiple Perpetrators Fel 2 Deg/Fel 1 Deg	F1/Life
794.011(2)	Sexual Battery/On a Minor/Attempt	F1
794.011(3)	Sexual Battery/With a Deadly Weapon/Attempt	F2
794.011(3)	Sexual Battery/With a Deadly Weapon/Force	F1
790.221	Short-Barrel Shotgun, Rifle, Machine Gun/Possession	F2
784.041(3)	Stalking/Aggravated	F3
784.048(4)	Stalking/Aggravated/Court Order	F3
914.22	Tampering with a Witness, Victim, or Informant	F3
836.05	Threats/Extortion	F2
322.34(6)(b)	Vehicular Homicide/Driving While License Canceled, Suspended or Revoked Causing Death or Serious Bodily Injury	F3
782.071(2)	Vehicular Homicide/Failure to Stop	F3

322.64(6)(a)	Vehicular Homicide/No Driver=s License Causing Death or Serious Bodily Injury	F3
782.071(1)	Vehicular Homicide/Operate in Reckless Manner	F3
782.072(2)	Vessel Homicide/Failure to Stop	F2
782.072(1)	Vessel Homicide/Operate in Reckless Manner	F3
741.29(6)	Violation of a condition of Pre-trial Release M1	
790.07(1)	Weapon/Use, Display While Committing a Felony	F3
790.115(2)(d)	Weapon, Firearm/School Property/Discharge	F2
790.115(1)	Weapon, Firearm/School Property/Exhibit	F3

II. BOND SCHEDULE FOR CRIMES NOT LISTED ABOVE

Persons arrested for crimes other than those listed above shall be eligible for bond release prior to first appearance according to the following schedule and provisions:

A. FELONIES:

1. OFFENSES AND BOND AMOUNT:

<u>OFFENSE</u>	<u>BOND</u>
<u>FIRST-DEGREE FELONIES</u>	
Palm Beach County Resident	\$15,000.00
Florida Resident, Not Palm Beach County	\$20,000.00
Out-of-State Resident	\$25,000.00
<u>SECOND-DEGREE FELONIES</u>	
Palm Beach County Resident	\$ 5,000.00
Florida Resident, Not Palm Beach County	\$ 7,500.00
Out-of-State Resident	\$10,000.00

THIRD-DEGREE FELONIES

Palm Beach County Resident	\$ 3,000.00
Florida Resident, Not Palm Beach County	\$ 4,500.00
Out-of-State Resident	\$ 5,000.00

2. PROVISIONS RELATING TO FELONY BONDS

- a. The amount of bond is increased by \$10,000.00 in each category when the individual is arrested outside the State of Florida.
- b. If a person is currently on bond or on personal recognizance release for a felony, a first-degree misdemeanor or the crime of driving while impaired, the arrestee shall not be eligible for a bond under this schedule. Rather, the arrestee shall be held and brought before a judge at the next first appearance hearing. If a person is currently on bond for a second-degree misdemeanor, the bond specified in this order or in administrative order 10.001-1/95 shall be doubled. In the event the person is on a personal recognizance release, the bond shall be set at \$250.00 per charge.
- c. Effective October 1, 2006 a separate and specific bond shall be set for each charge or offense.
- d. A separate and specific bond shall be set for each charge or offense.

B. MISDEMEANORS/TRAFFIC CRIMES/VIOLATIONS OF MUNICIPAL AND COUNTY ORDINANCES:

1. OFFENSES AND BOND AMOUNT

FIRST-DEGREE STALKING MISDEMEANORS

Palm Beach County Permanent Resident	\$ 500.00
Florida Resident, Not Palm Beach County	\$ 750.00
Out-of-State Resident	\$ 1,000.00

LOITERING IN RELATION TO PROSTITUTION,
PROSTITUTION, ATTEMPTING TO HIRE OR HIRING A
PROSTITUTE OR ANY OTHER VIOLATION OF
§796.07 FLA. STAT.

Palm Beach County Permanent Resident	\$ 250.00
Adjoining County Permanent Resident (Broward, Okeechobee, Hendry or Martin Counties)	\$ 250.00

Florida Resident, Not Palm Beach County or Adjoining County	\$ 500.00
Out-of-State Resident	\$ 500.00

REFUSAL TO SIGN NOTICE TO APPEAR, TRAFFIC CITATION

Palm Beach County Permanent Resident	O.R.
Adjoining County Permanent Resident (Broward, Okeechobee, Hendry or Martin Counties)	O.R.
Florida Resident, Not Palm Beach County or Adjoining County	O.R.
Out-of-State Resident	O.R.

HAS AN OUTSTANDING FTA ON A CRIMINAL CHARGE

Palm Beach County Permanent Resident	\$250.00
Adjoining County Permanent Resident (Broward, Okeechobee, Hendry or Martin Counties)	\$250.00
Florida Resident, Not Palm Beach County or Adjoining County	\$500.00
Out-of-State Resident	\$500.00

FIRST DEGREE MISDEMEANORS OTHER THAN THOSE LISTED ABOVE
(OR EQUIVALENT ORDINANCE VIOLATION); DUI, UBA, OR OFFENSE
CARRYING A MINIMUM MANDATORY JAIL SENTENCE

Palm Beach County Permanent Resident	O.R.
Adjoining County Permanent Resident (Broward, Okeechobee, Hendry or Martin Counties)	O.R.
Florida Resident, Not Palm Beach County or Adjoining County	O.R.
Out-of-State Resident	O.R.

SECOND DEGREE MISDEMEANORS OTHER THAN THOSE LISTED ABOVE
(OR EQUIVALENT ORDINANCE VIOLATION); RECKLESS DRIVING

Palm Beach County Permanent Resident	O.R.
Adjoining County Permanent Resident (Broward, Okeechobee, Hendry or Martin Counties)	O.R.
Florida Resident, Not Palm Beach County or Adjoining County	O.R.
Out-of-State Resident	O.R.

TRAFFIC CRIME OF NO REGISTRATION

Palm Beach County Permanent Resident	O.R.
Adjoining County Permanent Resident (Broward, Okeechobee, Hendry or Martin Counties)	O.R.

Florida Resident, Not Palm Beach County or Adjoining County O.R.
Out-of-State Resident O.R.

2. PROVISIONS RELATING TO BONDS FOR MISDEMEANORS, TRAFFIC CRIMES AND VIOLATIONS OF MUNICIPAL AND COUNTY ORDINANCES:

- a. The above bond schedule shall be utilized by the booking desk of the Palm Beach County Jail.
- b. A permanent resident of Palm Beach, Broward, Okeechobee, Hendry or Martin County is defined as a person who can provide proof of a current permanent address in one of these counties. A post office box alone will not suffice.
- c. In all cases where a defendant is arrested for misdemeanor assault or battery upon a spouse, ex-spouse, boyfriend, girlfriend, ex-boyfriend or ex-girlfriend, no bond shall be available prior to the first appearance hearing.

d. Community Justice Service Centers:

- 1) Persons arrested for non-violent misdemeanors (i.e. trespassing, possession of marijuana under 20 grams) or violations of municipal and county ordinances, may receive a Notice to Appear at one of the Community Justice Service Centers located in Palm Beach County (see administrative order 4.903 9/08 (as amended)).
- 2) If at the time of arrest, the person arrested does not provide an address to the law enforcement officer, the law enforcement officer may still issue a Notice to Appear at a Community Justice Service Center. Should such person be brought to the Palm Beach County Jail with a Notice to Appear to a Community Justice Service Center, the Palm Beach County Sheriff's Office can release the person on his or her own recognizance as provided for in this Administrative Order.
- 3) Notices to Appear shall be issued to the following Community Justice Service Centers as follows:

West Gate Community Justice Service Center: Boundaries as follows:
Lantana Road north to 45th Street; west from Jog Road to Congress Avenue.

West Palm Community Justice Service Center: Boundaries as follows:
Banyan Blvd north to 59th Street; Military Trail to Dixie Highway.
- 4) Qualifying traffic crimes can also be referred to the West Gate Community Justice Service Center.

- e. Defendants with Existing Bonds: If a person is currently on bond or is on personal recognizance release for a felony, a first-degree misdemeanor, second-degree misdemeanor or the crime of driving while impaired, the arrestee shall not be eligible for a bond under this schedule. Rather, the arrestee shall be held and brought before a judge at the next first-appearance hearing as set forth above.
- f. Pursuant to Section 903.046 (d), Florida Statutes (2007), any defendant who failed to appear on the day of any required court proceeding in the case at issue and who was later arrested shall not be eligible for a recognizance bond or for any form of bond which does not require a monetary undertaking or commitment equal to or greater than \$2,000.00 or twice the value of the monetary commitment or undertaking of the original bond, whichever is greater. Notwithstanding anything in this paragraph, the court has discretion in determining conditions of release if the defendant proves circumstances beyond his or her control for the failure to appear.
- g. Effective October 1, 2006 a separate and specific bond shall be set for each charge or offense.

III. FIRST APPEARANCE

When an accused is brought to a first appearance hearing, all proceedings are governed by Crim. Rule 3.131 and the bonds for pre-first appearance release under this administrative order shall cease to be effective.

DONE and **SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 16 day of November, 2010.



Peter D. Blanc, Chief Judge

*supersedes admin. order no. 4.202-10/10