

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

ADMINISTRATIVE ORDER NO. 4.201-01/2020\*

IN RE: FIRST APPEARANCE HEARINGS

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First Appearance hearings involve the participation of various court personnel and officers of the court. Procedures are to be implemented to ensure uniformity at first appearance hearings. Rule of Judicial Administration Rule 2.215(b) gives the chief judge of the circuit the authority to require that all judges of the court, other court officers, and court personnel comply with all court and judicial branch policies, administrative orders, procedures and administrative plans.

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

A. TIME AND PLACE OF FIRST APPEARANCE HEARINGS:

1. All persons in custody at the Palm Beach County Detention Center annexes shall be brought to a first appearance hearing within twenty-four (24) hours of their arrest except those exempted by Rule 3.130(a), F.R.Cr.P. See Paragraph 3 below.
2. Generally: First appearance hearings for all defendants, except those specified in Paragraph 3, shall be held in the Criminal Justice Courtroom, 3228 Gun Club Road, West Palm Beach, Florida, **at 10:00 a.m. Monday-Friday and 9:00 a.m. Saturday, Sunday and holidays** and the Belle Glade Courthouse, 2950 State Road 15, Belle Glade, Florida at **8:30 a.m. Monday through Friday**. These times may be modified with the approval of the chief judge.
3. Exceptions to 24-Hour Rule for First Appearance Hearings
  - a. Violation of Probation on a Felony Charge: If the defendant is also charged with an additional substantive offense, he/she shall be taken to a first appearance hearing on the new charge(s) only. For the violation of felony probation, follow the procedures in Administrative Order No. 4.401-03/13 (as amended).
  - b. Failure to Appear at Felony Arraignment: All Defendants arrested for failure to appear for felony arraignment shall be set for Tuesday mornings at 9:00 a.m. at the Criminal Justice Complex, or on Monday mornings at 9:00 a.m. at the Belle Glade Courthouse.
  - c. Failure to Appear at any other Felony Court Proceeding: The Judicial Assistant of the assigned Felony Division shall be notified of the defendant's re-arrest and shall set a court hearing as soon as is practicable.

- d. Failure to Appear for any Misdemeanor charge: Cases assigned to the Central, North, South, and Belle Glade Courthouses, with the exception of Failure to Appear for Misdemeanor Domestic Violence and Misdemeanor DUI, the person shall be brought before Division KK Monday through Sunday on the next work day after the Clerk receives the booking slip. Persons arrested for Failure to Appear for Misdemeanor Domestic Violence or Misdemeanor DUI shall be brought before the presiding judge of the assigned division for a hearing within 48 hours of the arrest excluding weekends and holidays.
- e. Contempt of Court (not occurring on a weekend or holiday\*): The Judicial Assistant of the Judge issuing the contempt order shall be notified and shall schedule a hearing before the Judge as soon as is practicable. \*If the contempt order is executed such that the next day is a weekend or holiday, the individual shall be brought to first appearance at the Criminal Justice Complex or Belle Glade Courthouse.
- f. Material Witness: The witness shall be brought before the first appearance judge. The witness shall be held separate from the regular first appearance population.
- g. Bond Surrenders and Extraditions: On weekends and holidays, bond surrenders and extraditions shall not be brought to first appearance hearings, but shall be brought to first appearances at the next regular work day. (SPECIAL NOTE: Persons in custody on a Bond Surrender who have not previously had a first appearance on the charge shall be brought to first appearance as though it were the original arrest.)
- h. Up-files: Those cases that are up-filed from misdemeanors to felonies and which the county court judge set the conditions of bail and/or the amount of the bond may be heard by the county court judge presiding over the misdemeanor. See Admin. Order 4.101.

Note: Limited first appearance hearings may be held in the branch courthouses on days and at times designated by the judge assigned to the branch courthouse.

- 4. Personnel in Attendance: The following personnel shall be present:
  - a. A Judge
  - b. A Deputy Clerk of the Court
  - c. A State Attorney or Assistant State Attorney and a Public Defender or Assistant Public Defender
  - d. A Courtroom Deputy designated by the Palm Beach County Sheriff's Office
  - e. Deputy Sheriffs as may be needed for security
  - f. Court Interpreters (see Paragraph I below)
  - g. A Digital Court Reporter and
  - h. A minimum of two (2) representatives from Pretrial Services Program.
    - 1) A court representative presents/clarifies information contained in interviews.
    - 2) An O.R. agreement sign-up representative to explain O.R. bond guidelines and secure the defendant's signature on the agreement. The O.R. sign-up

representative shall also screen for supervised O.R. acceptance, explain to the supervised O.R. client the conditions of supervised O.R. and schedule an orientation appointment for supervised O.R.

B. RESPONSIBILITY FOR FLOW OF DOCUMENTS

1. The Sheriff's Office will provide the Clerk with:
  - a. The Rough Arrest
  - b. The Probable Cause Affidavit, Warrant, Capias or Citation
  - c. Sheriff's Office Booking Face Sheet
2. The Sheriff's Office will provide a copy of the criminal history, when available, to the State's representative for use by the Court.
3. The Clerk shall present to the Judge:
  - a. A First Appearance List
  - b. The Rough Arrest
  - c. The Probable Cause Affidavit
  - d. The Probable Cause Order
  - e. The completed Application for Criminal Indigency Status filed by the Defendant;
  - f. Sheriff's Office Booking Face Sheet.
4. The Palm Beach County Sheriff's Office will provide to the State Attorney, thirty (30) minutes prior to the hearing:
  - a. Sheriff's Office First Appearance List
  - b. Clerk's PALMS/First Appearance Criminal History
  - c. Rough Arrest and Probable Cause Affidavit as provided by the Sheriff's Office
  - d. Warrant or Capias as provided by the Sheriff's Office
  - e. Access to original Citation for review, if available.
  - f. Sheriff's Office Booking Face Sheet.
5. The Clerk shall indicate on the first appearance record when foreign language interpreters are needed.
6. The Pretrial Services Court Representatives shall present to the Judge:
  - a. The PTS interview
  - b. In applicable cases, the reason an interview does not exist

C. APPOINTMENT OF COUNSEL AND AFFIDAVIT OF INDIGENCY

1. In appropriate cases if the defendant is determined to be indigent and therefore unable to obtain an attorney at the time of first appearance, a public defender, an attorney from the Office of Criminal Conflict and Civil Regional Counsel, or a conflict attorney, should be appointed for all purposes. Whenever possible the indigency determination should be made at first appearance.

2. Unless the defendant has retained private counsel, prior to the first appearance hearing the Public Defender is authorized to consult with all defendants. The Clerk shall determine whether the defendant is indigent with the right of the defendant to appeal the indigency determination to the judge. If indigent, the Public Defender's Office will be appointed to represent the defendant.
3. Should there be a conflict of interest with the Public Defender's Office, the Office of Criminal Conflict and Civil Regional Counsel will be appointed.
4. If there is a conflict of interest with the Office of Criminal Conflict and Civil Regional Counsel, then the Clerk of Court shall appoint an attorney from the list of court appointed attorneys maintained by the Clerk of Court.
5. The Clerk of Court shall promptly notify the judge or the judge's judicial assistant of the name of the conflict attorney.
6. Upon receipt of the notification by the Clerk of Court, the judicial assistant shall notify the conflict attorney of the appointment.

D. ARRAIGNMENTS

Misdemeanors: The presiding Judge may arraign and sentence at first appearance hearings. The Judge shall make the Public Defender available for defendants who are sentenced and/or arraigned at first appearance.

E. JUVENILE CASES

1. Juvenile cases shall be heard before adult cases.
2. The Department of Children and Families and Department of Juvenile Justice shall notify the Clerk's Office by 8:00 a.m. on weekends and holidays if hearings are necessary and will be responsible for the notification of parents, and for the presence of the children and a counselor.
3. The counselor shall present at the hearing all documents and evidence relating to the need for detention to the Court and State Attorney.

F. SECURITY

The Sheriff's Office will be responsible for security during first appearance hearings and will inform the presiding Judge if special circumstances require a different procedure either in the number of defendants brought into the courtroom, or the order in which defendants should be called.

G. COURT RECORD AT FIRST APPEARANCE

1. The clerk shall prepare a first appearance record reflecting the action taken during the hearing and shall supply a copy to the Sheriff.
2. The proceeding shall be electronically recorded under the supervision of the Court's Administrative Office.

H. NON-ENGLISH SPEAKING DEFENDANTS

1. A Spanish and Creole interpreter will be available on a regular basis.
2. Detention Center Intake shall notify Court Administration, as soon as possible, whenever an individual is booked into the Detention Center who communicates only in a language other than Spanish, Creole or English.
3. When a defendant speaks a language or dialect for which an interpreter cannot be obtained within twenty-four (24) hours, the defendant should nonetheless be brought to first appearance for probable cause and preliminary bond determinations in accordance with this Order.

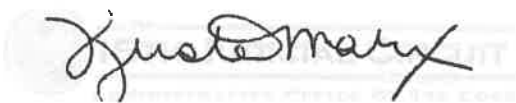
I. EMERGENCY PETITIONS FOR INJUNCTIONS FOR PROTECTION

Emergency Petitions for Injunctions for Protection may be heard immediately following first appearances on weekends and holidays.

J. MODIFICATIONS TO THE FIRST APPEARANCE PROCEDURES

Personnel listed in section A.4. above and their respective offices shall not make any changes to the procedures listed in this Administrative Order nor shall they implement any internal procedures which substantially affects the First Appearance hearings without first consulting the Chief Judge. This paragraph does not apply to the Sheriff when acting within the executive branch of government.

**DONE AND SIGNED** in Chambers, at West Palm Beach, Palm Beach County, Florida  
this 15th day of January, 2020.



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Krista Marx  
Chief Judge

\* supersedes admin. order 4.201-4/18 (dated April 4, 2018)