

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

ADMINISTRATIVE ORDER NO. 4.202-5/14*

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- PBL
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-PBL
810.02(2)(a)	Burglary/With Assault or Battery/Armed	F1-PBL
827.03(2)(a)	Child Abuse/Aggravated	F1
847.0135	Computer Pornography/Prohibited Comp Use /Travel to Meet Minor	F3-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
825.102(2)	Elderly, Disabled Adult/Aggravated Abuse/ Great Bodily Harm	F1
944.40	Escape	F2
787.02(3)	False Imprisonment of Child Under Age 13	F1-PBL
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-PBL
782.09	Killing of Unborn Child by Injury to Mother	F3-FC
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
322.34(6)	License Cancel/Sus/Revoked/No Driver's License Causing Death or Serious Bodily Injury	F3
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-PBL
782.04(2)	Murder, 2nd Degree/Attempt	F2
782.04(3)	Murder, 2nd Degree/Felony	F1-PBL
782.04(2)	Murder, 2nd Degree/Law Enforcement Officer	LIFE
782.04(2)	Murder, 2nd Degree/With a Deadly Weapon/Att	F1
782.04(4)	Murder, 3rd Degree	F2
782.04(4)	Murder, 3rd Degree/Attempt	F3
782.04(4)	Murder, 3rd Degree/Law Enforcement Officer	LIFE
782.04(4)	Murder, 3rd Degree/With a Firearm	F1
847.011	Prohibition of Acts in Connection w/ Obscene/Lewd etc. materials when depicting minor or repeat offender	F3
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(2)(b)	Robbery/Carjacking	F1
812.133(2)(a)	Robbery/Carjacking/Armed	F1-PBL
812.133(2)(b)	Robbery/Carjacking/Attempt	F2
812.13(2)(a)	Robbery/Deadly Weapon, Firearm/Attempt	F2
812.135	Robbery/Home Invasion	F1
812.13(2)(a)	Robbery/Deadly Weapon, Firearm	F1-PBL
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	LIFE
943.0435	Sexual Offender/Failure to Register/Notify	F3-F2
827.071	Sexual Performance by a Child	F3-F2
775.21(6)(j)	Sexual Predators Act/Fail to Notify/Residence	F2
790.221	Short-Barrel Shotgun, Rifle, Machine Gun/Possession	F2

784.048(3)	Stalking/Aggravated	F3
784.048(4)	Stalking/Aggravated/Court Order	F3
914.22	Tampering with a Witness, Victim, or Informant	F3-LIFE
836.05	Threats/Extortion	F2
847.0138	Transmission of Material Harmful to Minors /Electronic Device/Equipment	F3
322.34(6)(b)	Vehicular Homicide/Driving While License Canceled, Suspended or Revoked Causing Death or Serious Bodily Injury	F3
782.071(1)(b)	Vehicular Homicide/Failure to Stop	F1
782.071(1)(a)	Vehicular Homicide/Operate in Reckless Manner	F2
782.072(2)	Vessel Homicide/Failure to Stop	F1
782.072(1)	Vessel Homicide/Operate in Reckless Manner	F2
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
<u>THIRD-DEGREE FELONIES</u>	
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. 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.
- e. 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.
- f. Effective October 1, 2006 a separate and specific bond shall be set for each charge or offense.

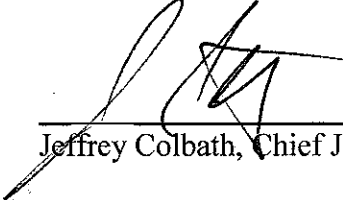
C. RELEASE TO ELECTRONIC MONITORING

- 1. Should no prohibition be stated by the first appearance judge, the Palm Beach County Sheriff's Office shall have the discretion, subject to its own standards and guidelines, to release a defendant who remains in the Sheriff's custody after ten (10) consecutive days and whose total bond amount for all pending charges is \$3,000.00 or less, to the Sheriff's Electronic Monitoring Program.
- 2. The Sheriff's Office shall also have discretion to waive all or part of the cost of the program in those circumstances the Sheriff's Office deems appropriate.
- 3. Should the presiding first appearance judge object to the defendant's release to the Sheriff's Office electronic monitoring program, the objection shall be noted by the Clerk of Court and the defendant may not be released into the Sheriff's Office electronic monitoring program without further court order.
- 4. Nothing contained herein eliminates or modifies the Court's authority to address these issues in a separate proceeding at the request of either party.

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 May, 2014.



Jeffrey Colbath, Chief Judge

*supersedes admin. order no. 4.202-8/11