

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: UNIFORM STATEWIDE BOND
SCHEDULE AND PROHIBITIONS
AGAINST RELEASE PRIOR TO
APPEARANCE BEFORE JUDGE
(JESSICA LUNSFORD AND ANTI-
MURDER ACTS)

ADMINISTRATIVE ORDER

NO: 3.23

- Second Amended

FILED

DEC 26 2023

LEE CO. FLORIDA
CLERK OF COURTS
BY A. Carnes D.C.

WHEREAS, on December 12, 2023, the Supreme Court of Florida issued *In re: Uniform Statewide Bond Schedule*, Case No. AOSC23-88, establishing a uniform statewide bond schedule, effective January 1, 2024, applicable when the police or county jail or pretrial release employees exercise their discretion to release a person on bond before that person's First Appearance Hearing; and

WHEREAS, it is the intent of the Courts of the Twentieth Judicial Circuit to adopt the Uniform Statewide Bond Schedule as the bond schedule to be used in Lee, Collier, Charlotte, Hendry, and Glades counties; and

WHEREAS, the Courts of the Twentieth Judicial Circuit further desire to ensure compliance with the provisions and requirements of Chapter 2005-28, Laws of Florida, relating to high-risk sex offenders, otherwise known as the "Jessica Lunsford Act;" and

WHEREAS, the Courts of the Twentieth Judicial Circuit further desire to ensure compliance with the provisions and requirements of Chapter 2007-2, Laws of Florida, relating to violent felony offenders, otherwise known as the "Anti-Murder Act;"

NOW, THEREFORE, pursuant to the authority prescribed by Fla. R. Gen. Prac. & Jud. Admin. 2.215, and for the purpose of promoting the efficient administration of justice within the Twentieth Judicial Circuit, it is **ORDERED** as follows:

I hereby certify this document to
be a true and correct copy of the
record on file in my office
Kevin C. Karnes, Clerk of the
Circuit Court, Lee County FL
Dated: 12/26/23

By A. Carnes
Deputy Clerk



I. USE OF THE UNIFORM STATEWIDE BOND SCHEDULE

A. The Uniform Statewide Bond Schedule, as established by the Supreme Court of Florida, *In re: Uniform Statewide Bond Schedule*, Case No. AOSC23-88, a copy of which is incorporated herein as “Attachment A,” is adopted and is to be used within the Twentieth Judicial Circuit, effective January 1, 2024.

B. The Uniform Statewide Bond Schedule is subject to annual review and revision by the Supreme Court of Florida. It is the intent that any such revisions or updates made by the Supreme Court of Florida to the Uniform Statewide Bond Schedule shall be applicable within the Twentieth Judicial Circuit, regardless of whether any amendment is made to this local Administrative Order. The most recent and up-to-date version of the Uniform Statewide Bond Schedule adopted by the Supreme Court of Florida shall be used within the Twentieth Judicial Circuit.

C. Prior to any person being released from custody in accordance with the Uniform Statewide Bond Schedule, consideration must first be given to the exclusions established by the Legislature, codified as Florida Statute §903.011(6), which preclude persons from being released from custody who meet any of the enumerated criteria. For ease of reference, the enumerated criteria are set forth in “Attachment A.”

D. The sheriff of each county is hereby authorized to release, prior to the First Appearance Hearing, persons who are arrested and jailed within their respective counties pursuant to the Uniform Statewide Bond Schedule, with the exception of those persons who meet any of the enumerated exclusion criteria of Florida Statute §903.011(6), or those persons who qualify under the Jessica Lunsford Act or the Anti-Murder Act, as further expounded upon below. This provision does not preclude the sheriff or arresting officer from issuing a “notice to appear,” in accordance with Fla. R. Crim. P. 3.125, in the case of a misdemeanor of the first or



second degree or for a violation of a municipal or county ordinance. Specific procedures for use of the notice to appear must conform to section (l) of Fla. R. Crim. P. 3.125 and to the rules and regulations of procedure governing the exercise of authority to issue notices to appear as may be established by the chief judge pursuant to section (j) of Fla. R. Crim. P. 3.125.

E. In counties where the Administrative Office of the Courts has an established pretrial services division, the sheriff shall honor all written requests from a pretrial services officer, as an officer of the court, to hold a person pending the First Appearance Hearing.

F. In counties where the Administrative Office of the Courts has an established pretrial services division that operates from the county jail twenty-four hours a day, seven days a week, the sheriff shall not release any arrested person prior to that person having been brought before a pretrial officer for screening.

G. In making determinations as to reasonable conditions of pretrial release at the time of the First Appearance Hearing, or at any time thereafter, judges are not bound by the bond amounts listed on the Uniform Statewide Bond Schedule, but, rather, may use their judicial discretion to determine any reasonable conditions of pretrial release, including any monetary conditions, based upon the facts and circumstances of each individual case.

II. COMPLIANCE WITH THE JESSICA LUNSFORD ACT

A. Before releasing any person pursuant to the Uniform Statewide Bond Schedule, or any other conditions of release, the sheriff shall run a FCIC/NCIC records report and certify to the court that the person does not qualify as a high-risk sex offender and does not qualify for a hearing to determine whether the person is a danger to the public under the Jessica Lunsford Act, Chapter 2005-28, Laws of Florida. The certification shall comply substantively with the format of "Attachment B." Both the FCIC/NCIC records report and the certification to the court shall also comply with the requirements of local Administrative Order No. 3.9.



B. The sheriff shall not release prior to the First Appearance Hearing any person who qualifies as a high-risk sex offender and who qualifies for a hearing to determine whether that person is a danger to the public. Such person shall be brought before the First Appearance judge, either in person or by court-approved electronic means. Persons who qualify as high-risk sex offenders and who qualify for a hearing to determine whether they are dangers to the public shall not be released unless or until a determination is made by the court, on the record and in writing, that the person is not a danger to the public, and unless or until the court sets bail or other conditions of release.

C. In accordance with Florida Statute §948.06(4), a person who qualifies as a high-risk sex offender and requires a hearing to determine whether that person is a danger to the public is defined as any felony probationer or offender in community control arrested for violating his or her probation or community control in a material respect, and who:

- (1) is under supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145; or
- (2) is a registered sexual predator or a registered sexual offender; or
- (3) is under supervision for a criminal offense for which he or she would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections.

III. COMPLIANCE WITH THE ANTI-MURDER ACT

A. Before releasing any person prior to a First Appearance Hearing pursuant to the Uniform Statewide Bond Schedule, or any other conditions of release, the sheriff shall certify to the court that the person does not qualify for detention under the Anti-Murder Act, Chapter 2007-2, Laws of Florida. The certification shall comply substantively with the format of “Attachment B.”

B. The sheriff shall not release prior to the First Appearance Hearing any person who



qualifies as a violent felony offender and who qualifies for detention pending a probation-violation or community-control-violation hearing, pursuant to the Anti-Murder Act. Such person shall be brought before the First Appearance judge, either in person or by court-approved electronic means. Persons who qualify as violent felony offenders and who qualify for detention pending a probation-violation or community-control-violation hearing shall under no circumstances be released from custody prior to a violation hearing.

C. In accordance with Florida Statute §903.0351 and Florida Statute §948.06, a person who qualifies for detention pending a probation-violation or community-control-violation hearing is defined as a felony probationer or offender on community control who has been alleged to have committed any violation of felony probation or community control, other than a failure to pay costs or fines or make restitution payment, if that person is:

- (1) A “violent felony offender of special concern,” meaning a person who is on:
 - (a) felony probation or community control related to the commission of a qualifying offense committed on or after March 12, 2007; or
 - (b) felony probation or community control for any offense committed on or after March 12, 2007, and has previously been convicted of a qualifying offense; or
 - (c) felony probation or community control for any offense committed on or after March 12, 2007, and is found to have violated that probation or community control by committing a qualifying offense; or
 - (d) felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in §775.084(1)(b) and has committed a qualifying offense on or after March 12, 2007; or
 - (e) felony probation or community control and has previously been found by a court to be a three-time violent felony offender as defined in §775.084(1)(c) and has committed a qualifying offense on or after March 12, 2007; or
 - (f) felony probation or community control and has previously been found by a court to be a sexual predator under §775.21 and has committed a qualifying offense on or after March 12, 2007.
- (2) 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; or



(3) 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 §775.084(1)(b), a three-time violent felony offender as defined in §775.084(1)(c), or a sexual predator under §775.21, and who is arrested for committing a qualifying offense on or after March 12, 2007.

D. The list of “qualifying offenses” under the Anti-Murder Act are expressly set forth in Florida Statute §948.06(8)(c).

IV. GENERAL PROVISIONS

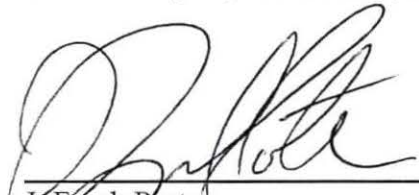
A. This Administrative Order shall not be construed to mandate that the sheriffs within the Twentieth Judicial Circuit release persons pursuant to the Uniform Statewide Bond Schedule. The decision to release a person pursuant to the Uniform Statewide Bond Schedule before that person’s First Appearance Hearing is discretionary.

B. This Administrative Order shall not be construed to create any rights, including a right to be released from custody prior to a First Appearance Hearing, which do not already exist.

C. To the extent that any provision of this Administrative Order may be construed as being in conflict with any law, statute, or rule, the law, statute, or rule shall prevail.

D. This amended version of Administrative Order No. 3.23 shall take effect January 1, 2024.

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 26th day of December, 2023.



J. Frank Porter
Chief Judge

History. – Administrative Order 3.23 (September 29, 2006); Administrative Order 3.23 (November 7, 2007); Administrative Order 3.23 (Amended) (March 30, 2012).



Attachment A

Supreme Court of Florida

No. AOSC23-88

IN RE: UNIFORM STATEWIDE BOND SCHEDULE

ADMINISTRATIVE ORDER

Effective January 1, 2024, the Florida Supreme Court hereby issues a uniform statewide bond schedule to the extent it is procedural. This bond schedule applies when the police or county jail or pretrial release employees exercise their discretion to release a person on bond before that person's first appearance hearing. The uniform statewide bond schedule shall not bind a judge in an individual case who is conducting a first appearance hearing or bail determination.

The chief judge of a judicial circuit may establish a local bond schedule that adds conditions of release and/or increases the bond amounts above those required by this schedule. The chief judge of a judicial circuit may petition this Court for approval of a local bond schedule that sets lower bond amounts than those required by this schedule.



§ 903.011(6), Florida Statutes, states in pertinent part: A person may not be released before his or her first appearance hearing . . . if the person meets any of the following criteria:

(a) The person was, at the time of arrest for any felony, on pretrial release, probation, or community control in this state or any other state;

(b) The person was, at the time of arrest, designated as a sexual offender or sexual predator in this state or any other state;

(c) The person was arrested for violating a protective injunction;

(d) The person was, at the time of arrest, on release from supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731;

(e) The person has, at any time before the current arrest, been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

(f) The person has been arrested three or more times in the 6 months immediately preceding his or her arrest for the current offense; or



(g) The person's current offense of arrest is for one or more of the following crimes:

1. A capital felony, life felony, felony of the first degree, or felony of the second degree;

2. A homicide under chapter 782; or any attempt, solicitation, or conspiracy to commit a homicide;

3. Assault in furtherance of a riot or an aggravated riot; felony battery; domestic battery by strangulation; domestic violence, as defined in s. 741.28; stalking; mob intimidation; assault or battery on a law enforcement officer; assault or battery on juvenile probation officer, or other staff of a detention center or commitment facility, or a staff member of a commitment facility, or health services personnel; assault or battery on a person 65 years of age or older; robbery; burglary; carjacking; or resisting an officer with violence;

4. Kidnapping, false imprisonment, human trafficking, or human smuggling;

5. Possession of a firearm or ammunition by a felon, violent career criminal, or person subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking;



6. Sexual battery; indecent, lewd, or lascivious touching; exposure of sexual organs; incest; luring or enticing a child; or child pornography;

7. Abuse, neglect, or exploitation of an elderly person or disabled adult;

8. Child abuse or aggravated child abuse;

9. Arson; riot, aggravated riot, inciting a riot, or aggravated inciting a riot; or a burglary or theft during a riot;

10. Escape; tampering or retaliating against a witness, victim, or informant; destruction of evidence; or tampering with a jury;

11. Any offense committed for the purpose of benefitting, promoting, or furthering the interests of a criminal gang;

12. Trafficking in a controlled substance, including conspiracy to engage in trafficking in a controlled substance;

13. Racketeering; or

14. Failure to appear at required court proceedings while on bail.

Pursuant to § 903.047(1)(a), Florida Statutes, and Florida Rule of Criminal Procedure 3.131(a), an arrested person released from jail before trial must refrain from criminal activity of any kind and



must refrain from any contact of any type with the victim, except through pretrial discovery pursuant to the Florida Rules of Criminal Procedure. A violation of either of these conditions of pretrial release subjects the arrestee to revocation of bond.

Each crime of arrest requires a separate bond pursuant to § 903.02(4), Florida Statutes, and Florida Rule of Criminal Procedure 3.131(b)(2).

The bond schedule below is effective from January 1, 2024 through December 31, 2024.

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| 1. For persons arrested for a crime listed in § 903.011(6), Fla. Stat., or who meet the criteria in § 903.011(6), Fla. Stat. | Bond: None
1st appearance required. |
| 2. For persons not covered by number 1., arrested for a third degree felony that involves any amount of force or threat of force against a person. | Bond: \$5,000 |
| 3. For persons not covered by number 1., arrested for a third degree felony that does not involve any force or threat of force against a person. | Bond: \$2,500 |
| 4. For persons not covered by number 1., arrested for a first degree misdemeanor or an ordinance punishable like a first degree misdemeanor, that involves any amount of force or threat of force against a person. | Bond: \$1,000 |



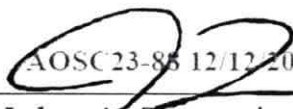
- | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 5. | For persons not covered by number 1.,
arrested for a first degree misdemeanor or
an ordinance punishable like a first degree
misdemeanor, that does not involve any
force or threat of force against a person and
that is not driving under the influence or
boating under the influence. | Bond: \$500 |
| 6. | For persons not covered by number 1.,
arrested for a second degree misdemeanor
or an ordinance punishable like a second
degree misdemeanor, that involves any
amount of force or threat of force against a
person. | Bond: \$250 |
| 7. | For persons not covered by number 1.,
arrested for a second degree misdemeanor
or an ordinance punishable like a second
degree misdemeanor, that does not involve
force or threat of force against a person and
that is not driving under the influence or
boating under the influence. | Bond: \$150 |
| 8. | For persons not covered by numbers 1. or 3.,
arrested for driving under the influence or
boating under the influence. | |
| | a. First degree misdemeanor. | Bond: \$1,000 |
| | b. Second offense, second degree
misdemeanor. | Bond: \$750 |
| | c. First offense, second degree
misdemeanor. | Bond: \$500 |

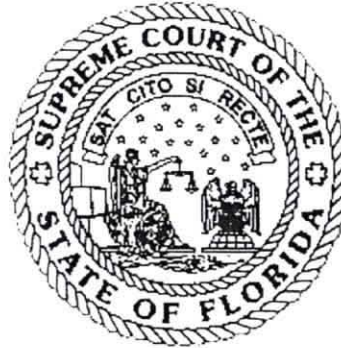


DONE AND ORDERED at Tallahassee, Florida, on December
12, 2023.


Chief Justice Carlos G. Muziz

ATTEST:


AOSC 23-88 12/12/2023
John A. Tomasino, Clerk of Court
AOSC 23-88 12/12/2023



Attachment B

Certificate of Compliance

STATE OF FLORIDA vs.

Defendant

HOLD FOR FIRST APPEARANCE
FIRST APPEARANCE DATE

CASE NUMBER(S): _____

I. FCIC/NCIC REQUIREMENT

Under penalty of perjury, I, the undersigned, hereby certify that on _____, a FCIC/NCIC criminal history record was run on the above named defendant. I further certify the above-named defendant:

DOES DOES NOT
 qualify for a danger to the community hearing under the Jessica Lunsford Act¹

DOES DOES NOT
 qualify for detention, under the Anti-Murder Act²

II. IN ACCORDANCE WITH ADMINISTRATIVE ORDERS 3.23 AND 3.9, PRETRIAL OFFICER _____ IS REQUESTING THAT THE ABOVE LISTED DEFENDANT BE HELD FOR THE FIRST APPEARANCE JUDGE FOR THE FOLLOWING REASONS:

- | | |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input type="checkbox"/> Flight risk | <input type="checkbox"/> Active supervision/probation status and commits new charge |
| <input type="checkbox"/> Pending criminal cases | <input type="checkbox"/> In accordance with monetary bail schedule |
| <input type="checkbox"/> Prior criminal history/risk status | <input type="checkbox"/> Danger to the community/Aggravating circumstances |

NARRATIVE (Describe details regarding risk potential):

* TWENTIETH JUDICIAL CIRCUIT ADMINISTRATIVE OFFICE OF THE COURTS

Pretrial Services Officer, as an agent of the Sheriff _____

Date: _____

Approved by: _____

Sheriff's representative/Sergeant on duty _____

Date: _____

*The Pretrial Officer's signature is valid only if the Sheriff and AOC have entered into an inter-local agreement authorizing the Pretrial Officer to act as the Sheriff's agent.

ORIGINAL: CLERK
COPIES: BOOKING CLERK/JAIL PRETRIAL SERVICES

Eff 03/03/15

* Entire form to be confidential in accordance with FBI rules and FCIC policy, as it contains derived state and national criminal history information.

¹See Fla. Stat. §948.06(4) for the definition of persons who qualify for a "Danger to the Community" hearing under the Jessica Lunsford Act. See also local Administrative Orders 3.9 and 3.23 for further guidance.

²See Fla. Stat. §903.0351(1) and 948.06(4) for the definition of persons who qualify for detention under the Anti-Murder Act. See also local Administrative Orders 3.9 and 3.23 for further guidance.

