

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 2-49.8

IN RE: UNIFORM BOND SCHEDULE

Recognizing that alleged offenders are entitled to bail in most cases, a uniform schedule is necessary to provide equal treatment to all. Except as is specifically set out herein, the schedule as set forth in this Order shall apply to all felonies, misdemeanors and county or municipal ordinance violations as the presumptive bond to be set unless ordered differently by a judge.

Nothing contained herein shall alter the discretionary authority of a judge to set a bond in an amount different from that listed, or to release on recognizance those detainees who warrant such upon a determination made at First Appearance Hearings (FAH), or effect the eligibility of release of detainees pursuant to the authority granted to Pre-Trial Services.

PRESUMPTIVE BOND SCHEDULE

<u>DEGREE OF OFFENSE</u>	<u>BOND AMOUNT</u> (cash or surety)
M2; CO; MO	\$ 250.00
M1	\$ 500.00
F3	\$ 1,000.00
F2	\$ 5,000.00
F1	\$ 15,000.00
Violations of §322.34(6) (DWLSR w/fatality)	\$ 10,000.00
Violations of §782.071 (Vehicular Homicide)	\$ 10,000.00
Dangerous crimes, as designated herein	None, until FAH
DUI §316.193, with one or more prior convictions for DUI	None, until FAH
Arrestees on active Probation or Community Control	None, until FAH
Arrestees for Failure to Register as Sex Offender, as defined in §943.0435(14)(c)(4)	None, until FAH
Life Felony (LF)	None
Capital Felony (CF)	None

KEY TO MAXIMUM PENALTIES:

<u>DEGREE OF OFFENSE</u>	<u>PENALTY</u>
CF	Death
LF	Not less than 30 years prison and/or \$15,000.00 Fine
F1	30 years prison and/or \$10,000.00 Fine
F2	15 years prison and/or \$10,000.00 Fine
F3	5 years prison and/or \$5,000.00 Fine
M1	1 year county jail and/or \$1,000.00 Fine
M2	60 days county jail and/or \$500.00 Fine

DANGEROUS CRIMES, as defined in §907.041(4)(a), Florida Statutes, 2009

1. Arson, as defined in §806.01, Florida Statutes
2. Aggravated Assault, as defined in §784.021, Florida Statutes
3. Aggravated Battery, as defined in §784.045, Florida Statutes
4. Illegal Use of Explosives, as defined in §552.22(1) or §790.161(2), (3) or (4), Florida Statutes
5. Child Abuse, as defined in §827.03(1), Florida Statutes, or Aggravated Child Abuse, as defined in §827.03(2), Florida Statutes
6. Abuse of an Elderly Person or Disabled Adult, as defined in §825.102(1), Florida Statutes or Aggravated Abuse of Elderly Person or Disabled Adult, as defined in §825.102(2), Florida Statutes. See reclassification of offenses under §784.08, Florida Statutes
7. Aircraft Piracy, as defined in §860.16, Florida Statutes
8. Kidnapping, as defined in §787.01, Florida Statutes
9. Homicide, as defined in §782.04, Florida Statutes
10. Manslaughter, as defined in §782.07, Florida Statutes
11. Sexual Battery, as defined in §794.011, Florida Statutes
12. Robbery, as defined in §812.13, Florida Statutes
13. Carjacking, as defined in §812.133, Florida Statutes
14. Lewd or Lascivious Battery; Lewd or Lascivious Molestation; Lewd or Lascivious Conduct; Lewd or Lascivious Exhibition, as defined in §800.04, Florida Statutes
15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority. See §800.04 and §794.011(8)(b), Florida Statutes
16. Burglary of a Dwelling, as defined in §810.02, Florida Statutes
17. Stalking, as defined in §784.048(2), Florida Statutes, and Aggravated Stalking, as defined in §784.048(3), (4), (5) and (7), Florida Statutes
18. Act of Domestic Violence, as defined in §741.28(2), Florida Statutes
19. Home Invasion Robbery, as defined in §812.135, Florida Statutes
20. Act of Terrorism, as defined in §775.30, Florida Statutes

21. Manufacturing any substances in violation of chapter 893, Florida Statutes
22. Attempting or conspiring to commit any of the crimes listed above, as defined in §777.04, Florida Statutes

Offenses, in addition to most of the above charges, which are to be considered in applying the “Anti-Murder Act” §903.0351, pursuant to §948.06(8)(c)(1) – (19) Violent Felony Offenders of Special Concern (VFOSC)

Note: Offenses in §948.06(8)(c)(1) – (6) and (12) – (17) are included in the above “Dangerous Crimes” list. Offense (19) simply makes any offense, if committed in another jurisdiction, subject to the same evaluation under the Anti-Murder Act, as if it had been committed within Florida.

1. Lewd or Lascivious offense upon or in the presence of an elderly or disabled person or attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person under §825.1025, Florida Statutes. See §948.06(8)(c)(7), Florida Statutes
2. Sexual performance by a child or attempted sexual performance by a child under §827.071, Florida Statutes. See §948.06(8)(c)(8), Florida Statutes
3. Computer pornography under §847.0135(2) or (3), Florida Statutes; transmission of child pornography under §847.0137, Florida Statutes; or selling or buying of minors under §847.0145, Florida Statutes. See §948.06(8)(c)(9), Florida Statutes
4. Poisoning food or water under §859.01, Florida Statutes. See §948.06(8)(c)(10), Florida Statutes
5. Abuse of a dead human body under §872.06, Florida Statutes. See §948.06(8)(c)(11), Florida Statutes
6. Treason under §876.32, Florida Statutes. See §948.06(8)(c)(18), Florida Statutes

Offenses where NO BOND shall be set until FAH:

1. In applying this Order, alleged offenders charged with committing the above offenses, designated as “Dangerous Crimes” shall be held without bond until FAH.
2. In addition, offenses under the Anti-Murder Act heading above, while considered “Dangerous Offenses” by statute, are nevertheless serious offenses, and are to be considered when making a determination whether an alleged offender qualifies to be held without bond. Therefore, alleged offenders charged with those offenses as well shall be held without bond until FAH. [It should also be noted, that, for an offender to qualify under the Anti-Murder Act, that offender will also be on probation or community control at the time of the alleged offense.]
3. Alleged offenders charged with the following offenses shall be held without bond until FAH:
 - a) Trafficking in Controlled Substances, as defined in §893.135, Florida Statutes
 - b) DUI Manslaughter, as defined in §316.193(3)(c)(3)(a) and (b), Florida Statutes

4. Alleged offenders charged with Driving Under the Influence (DUI), pursuant to §316.193, Florida Statutes, who have one or more prior convictions for DUI, shall be held without bond until FAH.
5. Any person arrested as a result of an alleged violation of §§741.30, 741.31, 784.046 (violations of Injunctions for Protection against Domestic Violence), §784.048 (Stalking) or §784.08 (Assault or Battery on a person 65 years or age or older), Florida Statutes, and anyone charged with Stalking, Assault, Battery, Sexual Assault, Sexual Battery, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing at the same dwelling unit, shall be held without bond until FAH, at which time a reasonable bond shall be set at the discretion of the presiding FAH judge.
6. Any person, out on bond or other form of Pre-Trial Release for a criminal offense, who has been arrested for committing a new offense within the Tenth Judicial Circuit while out on bond or other form of Pre-Trial release, shall be held without bond on the new offense until FAH, at which time the FAH judge shall review the bond status on the new charge, and review the status on the offense for which the person is already out on bond or other form of Pre-Trial Release, to see whether the person shall be held without bond on the original charge only, pursuant to Florida Statute §903.0471, based on probable cause that the arrested person has committed a new law violation.
7. Any person charged with a crime in violation of Chapter 874, Florida Statutes, (Criminal Gang Prevention Act), or any person charged with a crime that is alleged to be subject to enhanced punishment under Chapter 874, Florida Statutes, shall not be eligible for release on bail or surety bond until FAH, pursuant to §903.046(2)(1), Florida Statutes.

VIOLATIONS OF PROBATION OR COMMUNITY CONTROL:

Any person booked into any jail in Hardee, Highlands or Polk County on a new offense, (one committed after being placed on Probation Or Community Control), shall be held without bond on that new offense until FAH if it is determined that the person is on active Probation or Community Control. Pre-Trial Services shall assist in making this determination.

PRIOR ADMINISTRATIVE ORDERS SUPERSEDED:

Administrative Order No. 2-49.7, dated June 11, 2008 is hereby SUPERSEDED.

DONE AND ORDERED on this 13th day of May, 2010.

J. DAVID LANGFORD, Chief Judge