

IN THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 4.951(C)

ALACHUA COUNTY BOND SCHEDULE
FOR ORDINANCE VIOLATIONS AND MISDEMEANOR CASES

Whereas, persons arrested and detained for law violations have the right to be brought before a judicial officer for a first appearance hearing within twenty four (24) hours of arrest for the purpose of determining appropriate conditions for pretrial release, if they are entitled to such release, including the requirement in some cases that the person post a bail bond; and

Whereas, Florida law requires that certain persons who have been arrested be detained without bail, pending determination by a court of competent jurisdiction as to whether that person poses a “danger to the public” or not; *see, e.g. Jessica Lunsford Act*, § 948.06(4), Fla. Stat.; *Anti-Murder Act*, § 948.06(8)(b), Fla. Stat.; and

Whereas, persons arrested and charged with certain minor offenses might appear to pose no danger to the public because of the nature of the alleged offense, and it might be unnecessary to detain such a person in the jail pending a first appearance hearing; and

Whereas, the administration of the Alachua County Sheriff’s Office, Department of the Jail, the Circuit and County Criminal Courts, and the interests of justice all will be well-served by the establishment of a bond schedule pertaining to eligible persons detained at the jail for minor offenses; now

Therefore, it is **ORDERED** that:

1. This administrative order establishes a bond schedule allowing certain persons who have been arrested in Alachua County for certain minor offenses to be released from custody by posting bail in cash or by surety in the amounts specified by the bond schedule, without being detained on that offense pending a first appearance hearing.

2. A person arrested and charged with any of the following offenses, **unless that person is ineligible for release pursuant to paragraph 3**, shall be released from the Alachua County Department of the Jail on that offense immediately upon their posting of a cash or surety bond in the amounts specified below:

A. For violations of City of Gainesville Code of Ordinances 4-4b (open containers) and 4-4a (unopened containers).....\$50 per violation

- B. For violations of all other county and municipal ordinances.....\$100 per violation
- C. For misdemeanors of the 2nd degree.....\$500 per offense
- D. For misdemeanors of the 1st degree..... \$1,000 per offense

3. A person arrested and detained at the Alachua County Department of the Jail **shall be held and brought before the presiding judge at the next first appearance hearing**, unless the reason for the arrest and detention is a warrant or capias with preset bond or recognizance release conditions, when:

- A. That person is arrested for:
 - i. **Any firearm or weapons offense** under chapter 790, Florida Statutes;
 - ii. **Driving under the Influence**, under section 316.193, Florida Statutes;
 - iii. **Battery**, under section 784.03, Florida Statutes;
 - iv. **Stalking**, under section 784.048, Florida Statutes;
 - v. **Prostitution**, under section 796.07, Florida Statutes;
 - vi. **Violation of an Injunction**, under sections 784.046 and 784.047, Florida Statutes;
 - vii. **On-view violation of pre-trial release**; or,
 - viii. **Violation of supervised county probation.***

or

- B. That person has a prior local, state or out-of-state criminal history (including any juvenile history) which contains **any felony arrest**; or,
- C. That person is **currently on bond or personal recognizance release for any Alachua County felony or first-degree misdemeanor charge**; or,
- D. That person is **currently on active supervised felony or misdemeanor probation in Alachua County**, or is **currently on supervised community control in Alachua County**.

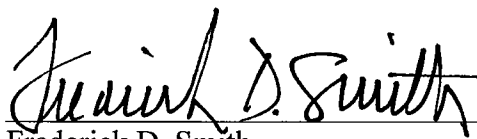
* A person on *unsupervised* county probation who is arrested on a warrant or capias for a technical or compliance violation (e.g., failure to pay court costs, perform community service hours, etc.) is entitled to post the bond endorsed on the warrant or capias and obtain release on that charge.

4. A person who has been arrested on both a warrant or capias with **preset bond or recognizance release conditions** and on a **new law violation** may obtain release from detention by posting the preset bond (if any) and also the bond required by the bond schedule **if release pursuant to the bond schedule is authorized in writing by the judge who issued the capias or warrant, and if that person is otherwise eligible for release on the new law violation by posting a bond pursuant to the bond schedule.**

5. By releasing a person pursuant to the bond schedule, the Alachua County Sheriff's Office, Department of the Jail, through its authorized representative(s), is **certifying** the following:

- A. That the release of a person pursuant to the bond schedule satisfies all requirements of this administrative order; and
- B. That the person who is released pursuant to the bond schedule has acknowledged **in writing** that his or her release is subject to the following special conditions:
 - i. he or she will have **no contact with the alleged victim, if any;**
 - ii. he or she will **not possess weapons or firearms of any kind (if released on a weapons or firearms charge);**
 - iii. he or she will **refrain from any future criminal activity of any kind;** and,
 - iv. **a violation** of any of these conditions of release could result in **revocation** of the pre-trial release conditions, **re-arrest** of the person who has been released, and **forfeiture of the bond** posted under the bond schedule.
- C. The certifications outlined above by the authorized representative of the Alachua County Sheriff's Office, Department of the Jail, will be made a part of the case file of any detainee released pursuant to this bond schedule.
- D. This order rescinds Administrative Order No. 4.951(B).

ORDERED on 31 August 2007.



Frederick D. Smith
Chief Judge