

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 4.03

FIRST APPEARANCE PROCEDURES

In order to provide First Appearance procedures for the Eighth Judicial Circuit pursuant to Florida Rule of Criminal Procedure 3.130(a) and to ensure proper procedures exist to determine probable cause for the arrest and determine appropriate conditions of pretrial release, it is hereby

ORDERED that the following procedures shall apply to all First Appearance hearings:

I. Time and Place for All First Appearance Hearings in the Eighth Judicial Circuit

	Weekdays		Weekends and Holidays	
	Time	Location	Time	Location
Alachua	9:00 a.m.	Courtroom 2C Alachua County Criminal Justice Center 220 S. Main Street Gainesville, FL	9:30 a.m.	Courtroom 1A Alachua County Criminal Justice Center 220 S. Main Street Gainesville, FL
Baker	1:00 p.m. ¹	Baker County Courthouse 339 E. Macclenny Ave. Macclenny, FL	9:00 a.m.	
Bradford	9:15 a.m. ¹	Bradford County Courthouse 945 N. Temple Avenue Starke, FL		
Gilchrist	8:30 a.m. ¹	Gilchrist County Courthouse 112 S. Main Street Trenton, FL		
Levy	8:30 a.m. ¹	Levy County Courthouse 355 S. Court Street Bronson, FL		
Union	10:30 a.m. ¹	Union County Courthouse 55 W. Main Street Lake Butler, FL		
Juvenile Detention/ Shelter Hearings	Handled separately from First Appearance		10:30 a.m.	

¹ Time and courtroom subject to change based on courtroom usage and/or scheduled court events. Changes will be reflected on the weekly calendars available on www.circuit8.org. First Appearances may be held by videoconference between the jail and courtroom.

II. Defendant's Presence at First Appearance

A. An individual arrested and processed at any jail in the Eighth Judicial Circuit or other detention facility at least three hours prior to First Appearance, shall be placed on the First Appearance docket for that same day, except when the individual has posted bond.

B. If a defendant is hospitalized or cannot be physically brought before the court for any other reason, the First Appearance judge shall review the case, appoint the Office of the Public Defender regardless of indigency, and either continue the First Appearance or set a reasonable bond as well as any other conditions specific to the case. Jail staff shall add the defendant to the First Appearance docket when the defendant is available to appear before the court.

C. The court may order First Appearance continued if the defendant is combative, intoxicated, poses a threat or any other circumstance which prohibits a meaningful First Appearance.

D. If a defendant is already in custody at the Jail and is arrested on new charges, the defendant shall be considered "in-house" and be brought to First Appearance on the new charges along with the other First Appearance defendants.

III. Required Attendance at First Appearance

In compliance with Florida Rule of Judicial Administration 2.215(b)(6) and implementing guidelines established by the Chief Judge the following personnel shall be present, in person or by electronic means:

- i. A Judge;
- ii. The Clerk of Court or designee (herein Clerk);
- iii. The State Attorney or designee;
- iv. The Public Defender or designee;
- v. Court Security;
- vi. The Defendant;
- vii. Private counsel, when applicable; and,
- viii. Alachua County Pretrial Services (Alachua County only)

IV. Foreign Language and American Sign Language Interpreters and Notice of Right of Contact with Foreign Consulate

A. On weekdays, if a defendant needs a foreign language interpreter or American Sign Language interpreter, the courtroom clerk (Baker, Bradford, Gilchrist, Levy and Union Counties) or Pretrial Services (Alachua County) shall request an interpreter by e-mail to interpreter@circuit8.org.

B. On weekends and holidays, if a defendant needs an **American Sign Language** interpreter, then not later than two hours before First Appearance, the jail (Baker, Bradford, Gilchrist, Levy, and Union Counties) or Pretrial Services (Alachua County) shall request an interpreter by e-mail to interpreter@circuit8.org.

C. On weekends and holidays, if a defendant at the **Alachua County Jail** needs a foreign language interpreter, Pretrial Services shall request an interpreter by e-mail to interpreter@circuit8.org, and when directed by the judge the Clerk shall connect the on-call interpreter to the courtroom. If a defendant at the **Baker, Bradford, Gilchrist, Levy, or Union County** jails needs a foreign language interpreter, the jail shall indicate on the first appearance docket the language needed, and the interpreter shall be connected to the courtroom as directed by the judge.

D. All requests for an interpreter shall include the defendant's name, case number and the language needed. Upon receipt of such a request, Court Interpreting shall arrange for an interpreter to be present at First Appearance, either in person or telephonically.

E. If the defendant is a foreign national, the Court shall advise the defendant of the right to communicate with the defendant's consulate.

V. Responsibility to Provide Information at First Appearance

A. All Counties:

1. The county jail in the county where the defendant was booked shall provide to the Clerk, State Attorney, Public Defender, and Court a listing of all defendants with First Appearance pending, including the following:

- i. Defendant's name,
- ii. Case number (when applicable),
- iii. Booking number,
- iv. Booking date and time,
- v. Bond information (when applicable),
- vi. Charge information,
- vii. Whether the defendant is "in-house,"
- viii. Any out of county or out of state arrests or warrants; and
- ix. Criminal history information from the Florida Crime Information Center and the National Crime Information Center and whether the defendant qualifies under the Jessica Lunsford or Anti-Murder Acts (pursuant to F. S. § 948.061 and § 948.064 and Administrative Order 4.130).

2. The County Jail, for each defendant, shall provide to the Clerk the arrest affidavit, warrant, capias, citation, or VOP affidavit.

3. The Clerk or County Jail shall create First Appearance Orders and new case files (when applicable) prior to First Appearance.

4. The State Attorney shall advise the court whether the defendant qualifies as:

- i. a violent felony offender of special concern (F.S. § 984.06),
- ii. a habitual violent felony offender (F.S. § 775.084(1)(b)),
- iii. a three-time violent felony offender (F.S. § 775.084(1)(c)), or
- iv. a sexual predator (F.S. § 775.21).

5. The County Jail shall provide the court with criminal history information pursuant to F.S. § 948.061(2). However, the State Attorney has the duty to advise the Court of

certain types of criminal history information, pursuant to F.S. § 948.064(4). This Administrative Order does not alter these statutory duties nor is it intended to do so.

B. Alachua County (only): Pretrial Services shall interview each defendant at the jail prior to First Appearance and shall provide the Court with a completed First Appearance Pretrial Investigation Summary form for each defendant. Additionally, **Pretrial Services** shall notify the presiding judge as to any defendants who qualify under the Jessica Lunsford Act or Anti-Murder Act pursuant to Administrative Order No. 4.1300 (B).

C. Baker, Bradford, Gilchrist, Levy and Union County: On **weekends and holidays**, at completion of First Appearance, Court Administration shall e-mail or fax the signed first appearance orders to each regional county jail. The following business day, Court Administration shall send the original orders by mail to the appropriate Clerk of Court.

VI. Authority of First Appearance Judge

A. A judge presiding over First Appearance is designated an acting circuit judge pursuant to the General Assignment of Judges Administrative Order.

B. The First Appearance judge may entertain changes of plea on appropriate cases, such as misdemeanor and municipal ordinance violations if a deputy clerk from the appropriate county is present in the courtroom.

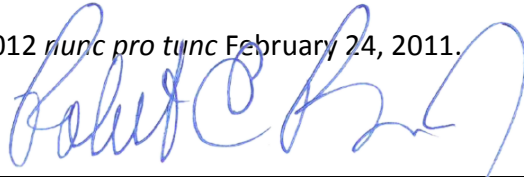
C. For Child Support Enforcement cases, the First Appearance judge shall refer to the protocol in the Child Support Enforcement chapter of the Duty Judge Book.

D. In the event of a recusal, the First Appearance judge shall notify Court Administration to locate another available judge for assistance.

This Administrative Order rescinds and supersedes Administrative Order No. 1.410(A).

This order renumbers and reformats prior Administrative Order No. 1.410(B) entitled "First Appearance Procedures."

ORDERED ON this 5th day of October, 2012 *nunc pro tunc* February 24, 2011.

A handwritten signature in blue ink, appearing to read "Robert E. Roundtree, Jr.", written over a horizontal line.

Robert E. Roundtree, Jr., Chief Judge