

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 4.17

STANDING NO CONTACT ORDER AS CONDITION OF PRETRIAL RELEASE

WHEREAS, section 903.047, Florida Statutes, was amended to provide additional specifications regarding an order of no contact as a condition of pretrial release; and

WHEREAS, defendants are granted released pretrial in numerous ways, including but not limited to: released on own recognizance; released on surety bond at first appearance; released on surety bond after first appearance; or, released on pretrial supervision with various conditions; and

WHEREAS, in order to ensure all applicable defendants are provided a copy of the order of no contact specifying the prohibited acts at the time of first appearance;

IT IS ORDERED:

1. A Standing No Contact Order, attached hereto, shall be entered in all criminal cases in the Eighth Judicial Circuit in which the defendant is ordered to have no contact with the victim or another named person or property.

2. The Standing No Contact Order is effective immediately and its contents shall be enforceable upon the defendant for the duration of the case or until modified by the court.

3. At first appearance, the presiding judge shall advise the defendant of the Standing No Contact Order and shall direct the Sheriff's Office's jail staff or the Clerk of Court's courtroom staff, as applicable, to provide the defendant with a physical copy of the Standing No Contact Order during the first appearance hearing.

4. The presiding judge shall require the defendant to acknowledge receipt of the Standing No Contact Order prior to the end of the defendant's first appearance hearing.

5. The Sheriff's Office's jail staff or the Clerk of Court's courtroom staff, as applicable, shall ensure that a physical copy of the Standing No Contact Order is provided to the defendant at the time of their first appearance hearing.

This order replaces and supersedes Administrative Order No. 4.17(v1) entitled "Standing No Contact Order as Condition of Pretrial Release," entered on September 28, 2015.

ORDERED ON this 13th day of February 2018.

A handwritten signature in blue ink, appearing to read "T. Monaco", written over a horizontal line.

Toby S. Monaco, Chief Judge

IN THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA

STANDING NO CONTACT ORDER

As a condition of pretrial release, whether such release is by surety bail bond or recognizance bond or in some other form, **all defendants in criminal cases must refrain from contact of any type with the victim, whether a person or business, or any other named person, business, or property, except through pretrial discovery pursuant to the Florida Rules of Criminal Procedure. This order of no contact is effective immediately and enforceable for the duration of the pretrial release or until it is modified by the court.** “No contact” includes the following prohibited acts while in custody or during pretrial release:

1. Communicating orally or in any written form, either in person, telephonically, electronically, or in any other manner, either directly or indirectly through a third person, with the victim or any other person, business, or property named in the order of the court. If the victim and defendant have children in common, at the request of the defendant, the court may designate an appropriate third person to contact the victim for the sole purpose of facilitating the defendant’s contact with the children. This does not prohibit an attorney for the defendant, consistent with rules regulating The Florida Bar, from communicating with any person protected by the no contact order for lawful purposes.

2. Having physical or violent contact with the victim, or other named person on his or her property.

3. Being within 500 feet of the victim’s or other named person’s residence or place of business, even if the defendant and the victim or other named person share the residence or place of employment.

4. Being within 500 feet of the victim’s or other named person’s vehicle, place of employment, or a specified place frequented regularly by such person.

5. Unless otherwise ordered, the following provisions shall apply to one-time visits authorized by the court:

- a. The defendant, **in the presence of a law enforcement officer**, may return to the residence shared with the victim at a time arranged with the law enforcement

department with jurisdiction over the home, for the purpose of obtaining his or her clothing and items of personal health and hygiene and tools of the trade. A law enforcement officer with jurisdiction over the home from which these items are to be retrieved shall accompany the defendant to the home and stand by to ensure that he/she vacates the premises with only his/her personal clothing, toiletries, tools of the trade, and any items which the parties agree belong to the defendant. The law enforcement agency shall not be responsible for storing or transporting any property. **IF THE DEFENDANT GOES TO THE HOME WITHOUT A LAW ENFORCEMENT OFFICER, IT IS A VIOLATION OF THIS STANDING NO CONTACT ORDER.**

- b. The authorized one-time visit shall take place no later than fourteen (14) days from the date of entry of the No Contact Order or from the date of the defendant's release from custody, whichever is later.
- c. The duration of the visit shall be for a period no longer than one hour.
- d. The defendant shall not damage or remove any furnishings or fixtures from the parties' former shared premises.
- e. Any property in which ownership is disputed shall not be removed during the visit, but may be addressed at a subsequent court proceeding.
- f. If a one-time visit has been authorized by the court in a related domestic violence case, and the defendant has completed that one-time visit, the defendant shall not be entitled to a second visit, unless otherwise ordered by the court.

The prohibitions contained herein are subject to modification by court order and may be supplemented by court order to include additional prohibitions.

ORDERED ON this 13th day of February, 2018.



Toby S. Monaco, Chief Judge