

**IN THE COURTS FOR THE FIRST JUDICIAL CIRCUIT  
STATE OF FLORIDA**

**Corrected** Administrative Directive No. 2008-01

IN RE: BOND SCHEDULE - ESCAMBIA COUNTY

WHEREAS, on August 5, 1976, Administrative Order No. 76-10 established a bail or appearance bond schedule for the First Judicial Circuit which provides a standard bond schedule for booking defendants based upon arrests by law enforcement officers in the First Judicial Circuit, which was revised by Administrative Directive 2003-01; and

WHEREAS, there is a need to update the uniform bond schedule for Escambia County; and

WHEREAS, it has been brought to the attention of the undersigned that incorrect statutory citations were included in paragraph 1.G. and 1.H. of Administrative Directive 2008-01, and correction of Administrative Directive 2008-01 to include accurate citations is appropriate, it is, therefore,

ORDERED that:

1. With every defendant, other than defendants arrested on a warrant or *capias* issued by a judge, the booking officer shall set a separate bond for each crime charged as required by Section 903.02(4), Florida Statutes (2007), and follow the recommended bond set forth by this administrative directive for the particular degree of crime charged, unless the booking officer determines:
  - A. That a lower bond or ROR is more appropriate than the recommended bond, in which case, the booking officer may set the bond down to the lower end of the bond schedule; or
  - B. That a higher bond is more appropriate than the recommended bond based on the guidelines set forth in this administrative directive, in which case, the booking officer may set a higher bond up to the maximum allowable pursuant to this administrative directive. In order to increase the bond, the booking officer must specifically set out, in writing, on the booking advisory sheet, one or more of the aggravating factors as enumerated in paragraph 2; or
  - C. That the defendant is charged with any crime of domestic violence as defined by s. 741.28, Florida Statutes (2007), the violation of a domestic violence injunction pursuant to s. 741.30(9)(b), Florida Statutes (2007),

the violation of a repeat violence, sexual violence, or dating violence injunction pursuant to s. 784.046(9)(b), Florida Statutes (2007), or the violation of a condition of pretrial release in which the original arrest was for an act of domestic violence under s. 741.29(6), Florida Statutes (2007), in which case the defendant shall be held without bond pending a hearing at first appearance; or

- D. That a defendant who failed to appear who later voluntarily appears or surrenders shall not be eligible for a recognizance bond, and a defendant who failed to appear on the day of any required court proceeding in the case at issue and who was later arrested shall not be eligible for a recognizance bond or for any form of bond which does not require a monetary undertaking or commitment equal to or greater than \$2,000 or twice the value of the monetary commitment or undertaking of the original bond, whichever is greater pursuant to s. 903.046(2)(d), Florida Statutes (2007); or
- E. That for any arrest which has been made based upon probable cause with no warrant involved, except for violations of probation or community control, and where the arresting officer possesses specific reason(s) to believe that a bond, in an amount higher or lower than the amount established pursuant to this administrative directive should be set, the arresting officer may personally contact the duty judge and said judge may set a bond outside of the provisions of this administrative directive. The arresting officer shall enter the amount of bond, as set by the judge, upon the booking advisory sheet specifically annotating which judge approved the bond amount.
- F. That the defendant has been arrested for a violation of probation or community control without an arrest warrant, in which case the defendant is to be held without bond until first appearance hearing; or
- G. That the defendant has been arrested, is on felony probation or community control, and qualifies as a "Violent Felony Offender of Special Concern" for application of the "Anti-Murder Act", Section 948.06(4)(a) or (b) and 948.06(8), Florida Statutes (2007), in which case the defendant shall be held without bond until a recorded violation-of-probation hearing is held at which both the state and the offender are represented. This prohibition applies even if the arrest of the defendant is not for a violation of the felony probation or community control. However, a defendant, otherwise qualified as a "Violent Felony Offender of Special Concern", is eligible for bond if the arrest is for a violation of probation or community control

based only on the failure to pay costs, fines, or restitution; or

- H. That the defendant has been arrested for committing a “qualifying offense”, as specified in Section 948.06(8)(c), Florida Statutes (2007), on or after March 12, 2007, and is on felony probation or community control having previously been found to be a “Habitual Violent Felony Offender”, a “Three-time Violent Felony Offender”, or a “Sexual Predator”, in which case the defendant shall be held without bail until brought before the judge that granted the felony probation or community control pursuant to Section 948.06(4)(c), Florida Statutes (2007); or
  - I. That the defendant is a registered sex offender, sexual predator, under supervision for any criminal offense for which the defendant would meet the registration criteria in s. 775.21, s. 943.0435, s. 943.0435, or s. 944.607, Florida Statutes (2007), or under supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), (5), (6), s.827.071, or s. 847.0145 , Florida Statutes (2007), in which case the defendant shall be held without bail until a judge makes findings at first appearance as required by Section 948.06(4), Florida Statutes (2007).
2. Aggravating factors which the booking officer is permitted to consider when an increase of the bond amount is contemplated are:
- A. At the time of the arrest, the defendant had committed more than one offense.
  - B. The defendant cannot provide a local address or a permanent place of residence in the Escambia County area.
  - C. The defendant has a prior criminal record.
  - D. The defendant is on probation, parole, community control, or any other form of supervision.
  - E. There are outstanding warrants or “holds” for the defendant from this or any other jurisdiction.
  - F. The arresting officer or booking officer has reason to believe that, should the defendant be released from custody, the defendant would not return to court when summoned.

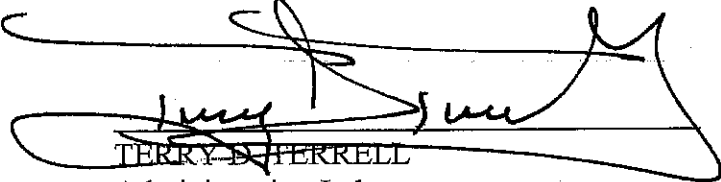
3. With a defendant arrested on a warrant or *capias* issued by a judge, the booking officer shall not alter the bond set by the issuing judge without direct approval from the issuing judge which shall be specifically set out, in writing, on the booking advisory sheet.

RECOMMENDED AMOUNT OF BOND:

Attached hereto, and incorporated herein, is a list of ranges of bonds for each degree of felony, misdemeanor, criminal traffic, and arrested municipal and county ordinance violations.

For offenses added to the statutes subsequent to the date of this directive, these ranges of bonds will be used for the new offenses, unless specifically excepted-out in a subsequent administrative directive or order.

DONE AND ORDERED this 7<sup>th</sup> day of February, 2008.

  
TERRY D. FERRELL  
Administrative Judge

Copies furnished to:  
All Judges, Escambia County  
All First Circuit Administrative Judges  
The Honorable William E. Eddins, State Attorney  
The Honorable Jack Behr, Public Defender  
The Honorable Ron McNesby, Sheriff, Escambia County  
Chief John Mathis, Pensacola Police Department  
Barbara Wertz, Director, Escambia County Jail  
Florida Highway Patrol  
Florida Fish and Wildlife Conservation Commission  
Robin Wright, Court Administrator  
Keri Igney, Admin. Asst. to Chief Judge

**CORRECTED BOND SCHEDULE - ESCAMBIA COUNTY**  
**FELONY, MISDEMEANOR, CRIMINAL**  
**TRAFFIC AND ARRESTED MUNICIPAL/**  
**COUNTY ORDINANCE VIOLATIONS**

<u>Category of Crime</u>	<u>Low Bond</u>	<u>High Bond</u>	<u>Recommended Bond</u>
Capital/Life Felony	No Bond Pending 1 <sup>st</sup> Appearance Hearing		None
2 <sup>nd</sup> Degree Murder (FS 782.04(2))	\$100,000	None	None
1 <sup>st</sup> Degree Felony (P. B. Life)	\$50,000	\$150,000	\$100,000
1 <sup>st</sup> Degree Felony (other than P.B. Life)	\$25,000	\$100,000	\$50,000
2 <sup>nd</sup> Degree Felony	\$2,500	\$15,000	\$10,000
3 <sup>rd</sup> Degree Felony	\$1,000	\$5,000	\$2,500
1 <sup>st</sup> Degree Misdemeanor*	ROR	\$1,000	\$500
<b>Exceptions:</b>			
<i>DUI-Property Damage</i>	\$250	\$1,500	\$1,000
<i>BUI-Property Damage</i>	\$250	\$1,500	\$1,000
Failure to Appear (F.S.843.15(1)(b))	\$250	\$1,500	\$1,000
Non-domestic stalking (F.S.784.048(2))	\$250	\$1,500	\$1,000
Prostitution (2 <sup>nd</sup> and subsequent offense F.S.796.07)	\$250	\$1,000	\$500
2 <sup>nd</sup> Degree Misdemeanor*	\$250	\$1,000	\$500
<b>Criminal Traffic</b>			
<b>Exceptions:</b>			
<i>DUI-No Property Damage</i>	\$250	\$1,500	\$500
<i>BUI-No Property Damage</i>	\$250	\$1,500	\$500
<b>Municipal/County Ordinance     Violations</b>	ROR	\$250	ROR

Effective March 12, 2007, any person on felony probation or community control who is arrested for any reason other than the failure to pay costs or fines or make restitution payments who qualifies as a "Violent Felony Offender of Special Concern" pursuant to 948.06(4) and (8), F.S., shall be held without bond until a recorded violation hearing is held.

**\*Exception:** For all categories except capital crimes where the bond is automatically "none"; for all crimes of domestic violence as defined by §741.28, F.S.; or for any violation of a domestic violence injunction (§741.30(9)(b), F.S.); or a violation of an injunction of repeat violence, sexual violence, or dating violence (§784.046(9)(b), F.S.); or for violation of pretrial release where the original arrest was for an act of domestic violence (§741.29(6), F.S.); the defendant is to be held with no bond until her/his first appearance hearing before the judge who can then set bond for the defendant.