

THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 04-1
(Court Administration)

IN RE: RESCINDING)
ADMINISTRATIVE ORDER NO. 82-20)
A1)

ADMINISTRATIVE ORDER
NO. 82-20 A2
(Rescinding AO No. 82-20 A1)

WHEREAS, pursuant to Administrative Order No. 82-20, entered on December 10, 1982, the Clerk of the Court was delegated authority to discharge sureties on bail bonds based upon certain criteria; and

WHEREAS, one such criterion authorizes the Clerk to issue a certificate or memorandum of discharge of the surety on the bail bond in any case that the defendant has been placed in the Pretrial Intervention Program or any other pre or post-trial probation program ("Program"); and

WHEREAS, a concern arose as to whether the judiciary has the discretion to revoke the defendant's pretrial release in those matters wherein a defendant commits another offense while in the Program because the bond was discharged; and

WHEREAS, pursuant to Administrative Order No. 82-20 A1, after consultation with the State Attorney's Office, Law Offices of the Public Defender, and the Office of the Clerk, the Court rescinded such authority of the Clerk; and

WHEREAS, the Court has since determined that the judiciary maintains its discretionary authority to revoke pretrial releases notwithstanding the discharge of the surety on the bail bond; and

WHEREAS, accordingly, the Court deems it advisable to re-institute the Clerk's authority to issue a certificate or memorandum of discharge of the surety on the bail bond in any case that the defendant has been placed in the Pretrial Intervention Program or any other pre or post-trial probation program;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge, it is hereby **ORDERED**:

1. Administrative Order No. 82-20 A1 is rescinded in its entirety and held for naught.
2. The Clerk of the Court is authorized to issue a certificate or memorandum of discharge of the surety on the bail bond in any case that the defendant has been placed in the Pretrial Intervention program or any other pre or post-trial probation program.
3. Accordingly, Administrative Order No 82-20, entered on December 10, 1982, remains in full force and effect.

This Order shall take effect immediately and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this _____ day of May, 2004.

JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA