

THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 25-01
(Court Administration)

ADMINISTRATIVE ORDER
NO. 23-13 A1
(Amending AO No. 23-13)

IN RE: AMENDING THE
ESTABLISHMENT OF UNIFORM
BOND SCHEDULE AND PRETRIAL
RELEASE PROCEDURES FOR
CRIMINAL PROCEEDINGS

WHEREAS, effective February 14, 2025, the legislature passed Chapter 2025-1, Senate Bill 2-C and Chapter 2025-2, Senate Bill 4-C, relating to immigration enforcement, thereby requiring amendments to Administrative Order No. 23-13, "The Establishment of the Uniform Bond Schedule and Pretrial Release Procedures for Criminal Proceedings;" and

WHEREAS, Fla. Stat. § 907.041(3)(a), as amended, creates a presumption in favor of pretrial release on non-monetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime as defined by Fla. Stat. § 907.041(5)(a), or is an unauthorized alien charged with illegal entry into this state pursuant to Florida Statute, Section 811.102(5) or is an unauthorized alien charged with a forcible felony pursuant to Florida Statute, Section 907.041; and

WHEREAS, the Court is committed to improve the safety of all Miami-Dade County citizens through a more effective and efficient processing of criminal cases and related matters.

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Article V, § 2(d), of the Florida Constitution, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED** that the following provisions of Administrative Order No. 23-13 are amended as follows:

I. **Adoption of Uniform Statewide Bond Schedule.** All arrested persons may be released pursuant to the following schedule prior to first appearance:

OFFENSE	BOND AMOUNT
1. For persons arrested for a crime listed in Fla. Stat. § 903.011(6) or who meet the criteria in Fla. Stat. § 903.011(6). For persons arrested for any felony violation of Fla. Stat. § 316.193 (DUI), Fla. Stat. § 327.35 (BUI), or Fla. Stat. § 860.13(1)(a) (FUI). For persons charged as unauthorized aliens under Fla. Stat. § 811.102 (illegal entry) or Fla. Stat. § 907.041(3)(a)(unauthorized & forcible felony).	None. First Appearance Required.
2. For persons not covered by number 1., arrested for a third-degree felony that involves any amount of force or threat of force against a person.	\$5,000.00
3. For persons not covered by number 1., arrested for a third-degree felony that does not involve any force or threat of force against a person.	\$2,500.00
4. For persons not covered by number 1., arrested for a first-degree misdemeanor or an ordinance punishable like a first-degree misdemeanor, that involves any amount of force or threat of force against a person.	\$1,000.00
5. For persons not covered by number 1., arrested for a first-degree misdemeanor or an ordinance punishable like a first-degree misdemeanor, that does not involve any force or threat of force against a person and that is not driving under the influence or boating under the influence.	\$500.00
6. For persons not covered by number 1., arrested for a second-degree misdemeanor or an ordinance punishable like a second-degree misdemeanor, that involves any amount of force or threat of force against a person.	\$250.00
7. For persons not covered by number 1., arrested for a second-degree misdemeanor or an ordinance punishable like a second-degree misdemeanor, that does not involve force or threat of force against a person and that is not driving	\$150.00

under the influence or boating under the influence.	
8. For persons not covered by numbers 1. or 3., arrested for driving under the influence or boating under the influence:	
a. First-degree misdemeanor.	\$1,000.00
b. Second offense, second-degree misdemeanor.	\$750.00
c. First offense, second-degree misdemeanor.	\$500.00

II. Considerations for Eleventh Judicial Circuit Court judges presiding over first appearance hearings. Because the Uniform Statewide Bond Schedule is not binding on a judge at a first appearance hearing and must be applied in conjunction with other factors, a judge at a first appearance hearing shall consider the following matters when making pretrial release determinations:

- Ensure the defendant is represented by counsel.
 - Appoint defense counsel for indigent defendants, if needed.
- Determine if probable cause is found:
 - Review Arrest Form (“A-form”);
 - Hear argument from counsel if requested;
 - If necessary, hear live testimony within 24 hours to assist in probable cause determination (See Fla. R. Crim. P. 3.133(a)(1));
 - Make finding on the record from sworn portion of the A-form and live testimony, if any;
 - If no probable cause found, order the defendant released outright if no information is filed;
 - If probable cause found, proceed with next part of the analysis.
- Determine if the defendant is charged with a capital offense or an offense punishable by life imprisonment (See Fla. R. Crim. P. 3.131):
 - If yes, court can exercise discretion to detain the defendant pending an *Arthur*¹ hearing in front of a Circuit Criminal Division judge;
 - If the offense is a dangerous crime and a capital, life, or first-degree felony, the court must order a pretrial detention hearing unless the State waives it. The court can exercise discretion to detain the defendant pending the pretrial detention hearing in front of a Circuit Criminal Division judge (See Fla. Stat. § 907.041);
 - If none of the above apply, set conditions of release consistent with MDCR assessment tool;

¹*State v. Arthur*, 390 So.2d 717 (Fla. 1980). If the court determines that monetary bond is appropriate, judges can use the following suggestions as a starting point at first appearance (in conjunction with tools such as the MDCR assessment tool and the Uniform Statewide Bond Schedule), lowering or increasing the monetary bond as the judge deems appropriate

- Fla. R. Crim. P. 3.131(b)(1) and Fla. Stat. § 907.041(3)(a) create a presumption in favor of release on nonmonetary conditions unless the defendant is charged with a dangerous crime as defined in Fla. Stat. § 907.041(5)(a);
- Consider requests from State, defense counsel, victim, or others, if offered;
- All conditions of release should be individualized and least restrictive;
 - personal recognizance;
 - unsecured appearance bond;
 - restrictions on travel or residence;
 - placement in the custody of organization that agreed to supervise them (e.g., The Alternative Program (TAP) or Pre-Trial Services (PTS));
 - electronic monitoring (also known as “house arrest”)
 - Level 1 – Total Lockdown
 - Level 2 – Standard Conditions
 - Level 3 – Minimum Restrictions (formerly known as “roaming”)
 - a bail bond with sufficient sureties;
- If the court determines that monetary bond is appropriate, judges can use the following suggestions as a starting point at first appearance (in conjunction with tools such as the MDCR assessment tool and the Uniform Statewide Bond Schedule), lowering or increasing the monetary bond as the judge deems appropriate;
 - First Degree Felonies - \$15,000
 - Second Degree Felonies - \$7,500
 - Third Degree Felonies if force or threat of force against a person - \$5,000
 - Third Degree Felonies if no force or threat of force against a person - \$2,500
 - First Degree Misdemeanor or ordinances punishable like First Degree Misdemeanor if force or threat of force against a person - \$1,000
 - First Degree Misdemeanor or ordinances punishable like First Degree Misdemeanor if no force or threat of force against a person - \$500
 - Second Degree Misdemeanor or ordinances punishable like Second Degree Misdemeanor if force or threat of force against a person - \$250
 - Second Degree Misdemeanor or ordinances punishable like Second Degree Misdemeanor if no force or threat of force against a person - \$150
 - Driving or Boating under the Influence (First Degree

- Misdemeanor) - \$1,000
 - Driving or Boating under the Influence (Second Offense / Second Degree Misdemeanor) - \$750
 - Driving or Boating under the Influence (First Offense / Second Degree Misdemeanor) - \$500
 - Consider the defendant's family ties, length of residence in the community, immigration status, employment history, financial resources and mental condition
 - Any other condition deemed reasonably necessary to assure the defendant's appearance.
 - Record the reasons for ordering the release conditions.
- Pretrial Detention pursuant to Fla. Stat. § 907.041 and Fla. R. Crim. P. 3.132(a)
 - Dangerous crime defined in Fla. Stat. § 907.041(5)(a);
 - Motion filed by State Attorney or ordered by the court as stated in Fla. Stat. § 907.041(5)(c);
 - Hearing must be held within 5 days of filing of motion;
 - Statute provides for continuances under certain circumstances;
 - Defendant may be detained pending completion of hearing;
 - State Attorney has burden of showing need for pretrial detention beyond a reasonable doubt;
 - If the court determines there is probable cause that the defendant committed a forcible felony, and determines by a preponderance of evidence that the defendant is an unauthorized alien, the court shall presume the defendant is a flight risk and no conditions will ensure the defendant's presence at trial, and order pretrial detention, unless the presumption is rebutted;
 - If court grants motion for pretrial detention, the defendant will be detained without bond until case disposition; subject to reconsideration;
 - If court denies motion for pretrial detention, set or maintain conditions of release as outlined above.

This Administrative Order 23-13 A1 shall take effect on February 14, 2025, *nunc pro tunc*, and except as amended herein, Administrative Order No. 23-13 remains in full force and effect until further order of this court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this 3rd day of March 2025.

**NUSHIN SAYFIE, CHIEF JUDGE ELEVENTH
JUDICIAL CIRCUIT OF FLORIDA**