

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 23-01
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 23-13**

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

WHEREAS, Article I, § 14 of the Florida Constitution provides that unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained; and

WHEREAS, Fla. Stat. § 907.041(1) establishes that it is the policy of this state that persons committing serious criminal offenses, posing a threat to the safety of the community or the integrity of the judicial process, or failing to appear at trial be detained upon arrest; however, persons found to meet specified criteria shall be released under certain conditions until proceedings are concluded and adjudication has been determined; and

WHEREAS, Fla. Stat. § 907.041(3)(a) 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); and

WHEREAS, the Florida Supreme Court has adopted a Uniform Statewide Bond Schedule applicable to persons charged with crimes when it is determined that monetary conditions are necessary to assure the presence of the person at trial or at other proceedings, to protect the community from risk of physical harm to persons, to assure the presence of the accused at trial, or to ensure the integrity of the judicial process;¹ and

¹ In Re: Uniform Statewide Bond Schedule, AOSC23-88 (Fla. Dec. 12, 2023).

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WHEREAS, the Uniform Statewide Bond Schedule is applicable to police, county jail, and pretrial release employees authorized to release persons on bond prior to that person's first appearance hearing, including municipal, county and state police agencies, the Miami-Dade County Corrections and Rehabilitation Department ("MDCR"), and the Miami-Dade County Pretrial Services Department ("PTS"); and

WHEREAS, the Uniform Statewide Bond Schedule shall not bind a judge in an individual case who is conducting a first appearance hearing or bail determination; and

WHEREAS, the chief judge of a judicial circuit may establish a local bond schedule that adds conditions of release and/or increases the bond amounts above those required by the Uniform Statewide Bond Schedule; and

WHEREAS, the Court is committed to improve the safety of all Miami-Dade citizens through a more effective, efficient, fair and just criminal justice system, by implementing best practices, eliminating bias, and addressing the root causes of crime;

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 Fla. R. Gen. Prac. & Jud. Admin. 2.215, it is hereby **ORDERED**:

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).	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

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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 under the influence or boating under the influence.	\$150.00
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*² 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;
 - 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;

² *State v. Arthur*, 390 So.2d 717 (Fla. 1980).

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- 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 - \$5,000 if force or threat of force against a person
 - Third Degree Felonies - \$2,500 if no force or threat of force against a person
 - 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
- 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;

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- 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.

III. **Limitations**. Nothing in this order is intended to abridge the right of any person who has been accused of a crime, or the right of any person who has been the victim of a crime, under Article I, § 16 of the Florida Constitution. Nothing in this order is intended to reduce the discretion vested in any judicial officer to make any pretrial release decision in accordance with Fla. Stat. § 907.041, or Fla. R. Crim. P. 3.131, or Fla. R. Crim. P. 3.132, or any law enforcement officer pursuant to Fla. R. Crim. P. 3.125.

IV. **Treatment of Prior Administrative Orders**. To the extent not superseded by the terms of this Administrative Order, any previous administrative order of this Court on the subject of pretrial release remains in effect if not inconsistent herewith.

V. **Effective Date**. This Administrative Order shall take effect on January 1, 2024, and shall remain in effect until December 31, 2024, or further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this **29th** day of December, 2023.

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