



**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR BAY COUNTY**

ADMINISTRATIVE ORDER # 2021-01-03

**RE: UNIFORM MISDEMEANOR BOND SCHEDULE TO ADDRESS JAIL
POPULATION LEVELS**

WHEREAS, Fl. R. Crim. P. 3.131 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 a violation of a 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, section 903.046, Florida Statutes, provides that the purpose of a bail determination in criminal proceedings is to ensure the appearance of the criminal defendant at subsequent proceedings and to protect the community against unreasonable danger from the criminal defendant; and

WHEREAS, section 903.046, Florida Statutes, also provides that in determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider the nature and circumstances of the offense charged; the weight of the evidence against the defendant; the defendant's family ties, length of residence in the community, employment history, financial resources and mental conditions; the defendant's past and present conduct related to criminal history; probability of danger to the community; the source of funds to post bail; and the defendant's legal status; and

WHEREAS, pursuant to Article I, section 16(b)(4), Florida Constitution, the Court has considered the safety and welfare of potential victims and their families in establishing the enumerated offenses found in the order; and

WHEREAS, in order to assist with maintaining jail population levels, there is a need for continued use of a uniform set of standards to ensure a consistent, objective basis for release prior to first appearance; it is therefore,

ORDERED that the following procedures are directed;

I. GENERAL PROCEDURES

A. GENERAL APPLICATION

Pursuant to this order, there is hereby established a Misdemeanor Bond Schedule to Address Jail Population Levels for Bay County, Fourteenth Judicial Circuit. **This bond schedule does NOT apply for any felonies, or misdemeanor crimes of violence to include driving under the influence charges.** Persons arrested on the enumerated misdemeanors shall not be eligible to a pre-set bond in the event they have failed to appear for court within the past three (3) years. In those instances, defendants are required to appear at First Appearance for the judge to determine release eligibility.

In those instances where a defendant is arrested pursuant to a capias and/or warrant, bond amounts and release conditions set by the issuing judge shall take precedence over this schedule.

Defendants arrested for failure to complete conditions of a sentence previously imposed shall be held for First Appearance.

B. DUTY TO EVALUATE

1. BOOKING OFFICER

For purposes of this administrative order, the term “booking officer” shall mean the employee of the receiving facility (Bay County Jail) who receives the defendant from the arresting officer. It will be the booking officer’s responsibility to gather the following information:

- a. The defendant’s identity;
- b. The defendant’s prior record, including national, state, and local charges;
- c. The existence of any pending prosecutions or warrants, and whether the defendant is currently on probation;
- d. Whether the arrestee is a fugitive from another state, and/or has a warrant from another county, a warrant of the parole commission, a bondsman recommit, or other civil matter such as child support or cash purge cases (as to defendants in this category, no further review needs to be conducted);
- e. The defendant’s most recent release date from the Department of Corrections, if applicable; and

- f. If a defendant is arrested for violating probation or community control, determine whether a “danger to the public” hearing pursuant to section 948.06(4), Florida Statutes, (Jessica Lunsford Act) is required.
- g. Whether the defendant is required to register as a sexual offender or a sexual predator.

2. NOTICE TO APPEAR

- a. Pursuant to Rule 3.125 (c), Fl. R. Crim. P., the Booking Officer may issue a notice to appear if the officer determines there will be a likelihood that the accused will appear as directed, based on a reasonable investigation of the accused’s:
 - b. Residence and length of residence in the community;
 - c. Family ties in the community;
 - d. Employment record;
 - e. Character and mental condition;
 - f. Past record of convictions; or
 - g. Past history of appearances at court proceedings.

C. CLASSIFICATION

All detainees charged with enumerated misdemeanor offenses (attached herewith) shall be classified by the booking officer as either eligible for immediate release on monetary bond, notice to appear as issued by arresting and/or booking officer, or requiring further review.

D. LAW ENFORCEMENT EXCEPTION TO FIRST APPEARANCE

An arresting officer making an on view arrest who determines that the facts and circumstances do not warrant holding a defendant for first appearance may make a written request that the defendant be released. Based on this request, the booking officer may authorize the defendant to be released on monetary bond for enumerated misdemeanors provided the defendant has no other pending charges.

As provided by Rule 3.125 (b), Fl. R. Crim. P., the arresting officer continues to have the ability to issue a Notice to Appear for persons arrested for offenses declared to be a misdemeanor or a violation of a county or municipal ordinance.

E. MANDATORY CONDITIONS

Certain special conditions are mandatory depending on the charge against the defendant. These conditions apply regardless of the nature of the defendant’s release, including persons released on monetary bonds. These special conditions shall apply in the following circumstances:

1. *Alcohol Offenses.* Alcohol abstinence shall be required in all offenses in which the use of alcohol is an element, including, but not limited to, disorderly intoxication and underage drinking.
2. *Criminal Activity.* The defendant shall also refrain from any future criminal activity, to include driving without a valid drivers' license.
3. *Victim Contact.* As required by section 903.047, Florida Statutes, the defendant shall refrain from having any contact with the victim, directly or indirectly. This shall include the defendant having no contact with the property or premises where the alleged crime took place.

The no-contact condition set forth in 3 above, shall not be deleted or modified except by the judge having trial jurisdiction of the offense. The booking officer will ensure that each defendant sign an acknowledgment of these provisions, witness the document and submit the original document to the court file.

F. ADDITIONAL PROVISIONS BY TRIAL JUDGE

In any case where a defendant has been released pursuant to this administrative order before first appearance, pursuant to notice of hearing the assigned trial judge may impose additional conditions of release to protect the community from risk of physical harm, to assure the presence of the accused at trial, or to assure the integrity of the judicial process.

G. STATE ATTORNEY RESPOSNBILTIY

The State Attorney shall provide reasonable, accurate and timely notice of any release of a defendant to any impacted victim, and to facilitate access to any victim who may want to be heard before the Court at a subsequent proceeding regarding pretrial release conditions.

II. BOND SCHEDULE

Absent other specific provision to the contrary set out in this administrative order, a defendant shall be entitled to release upon posting the following specified bond amounts. **Enumerated offenses are attached herewith as Attachment One.** The bail amounts and enumerated offenses as designated have no binding affect at first appearance or thereafter.

DONE AND ORDERED in Chambers, at Panama City, Bay County, Florida, this 25th day of March 2021.


CHRISTOPHER N. PATTERSON
CHIEF JUDGE

ATTACHMENT ONE
Misdemeanor Preset Bond Schedule
\$250.00

If you are charged with any of the following offenses, you may bond out of jail by paying \$250.00 without having to see a Judge.

OFFENSES

- Animals on the Beach
- Diving from Pier, Surfing near Pier
- Camping on Beach
- Evasion of Park Fees
- Fishing/Seafood Offenses
- Open House Party
- Consumption on right of way
- Noise Ordinance
- Disorderly Intoxication
- Disorderly Conduct
- Deliver, Give, Sell Alcohol to minor
- Loitering and Prowling
- Littering less than 15lbs
- Alcohol Unlawful Poss. by minor
- Reckless Operation of a Vessel
- Hunting/Game Offenses
- D.W.L.S.R (1st, 2nd) Offense
- Reckless Driving
- Misrepresent age to obtain alcohol
- Poss. of L/T 20 grams Marijuana
- Poss. of Drug Paraphernalia
- Resist Officer Without Violence
- Trespassing

**Preset bonds are not allowed for the following circumstances:
Arrestee is currently on probation, Pretrial Release, Violent Felony
Offender, Registered Sex Offender, Fugitive from Justice, has a Failure to
Appear within the past 3 years, or listed as Re-Offender Status.**

