

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO:

09-07-B AMENDED
SUPERSEDES 09-07-B

**IN RE: CRIMINAL - PRETRIAL RELEASE PROGRAM - EXPANSION OF THE
RELEASE AUTHORITY OF THE PRETRIAL RELEASE PROGRAM**

Whereas, it is necessary that the undersigned Chief Judge establish, in writing, criteria which the Pretrial Release Program staff must utilize in releasing defendants under their own signature. It has been brought to the Court's attention that Expanded Release Authority is being requested by the Pretrial Release Program to allow for the release of selected non-violent third degree felons and bench warrants with bonds of \$2000.00 or less.

Whereas, the purpose of this Expanded Authority is to enhance the current release authority as set forth by the State of Florida Constitution, Section 14, Florida Statute 907.041, Florida Rules of Criminal Procedure 3.125(c)(d), and 3.131(a)(b), and to provide the Pretrial Release Program with an avenue for further reductions in jail over-crowding and increases in jail cost savings.

Whereas, it is necessary to define the role and scope of such an expansion, offenses qualifying for release under this Administrative Order as follows:

1. 212.15 (2)a Larceny - sale tax fail to remit under 300 dollars 3rd
subsq violation
2. 212.15 (2)b Larceny - sale tax fail to remit 300 dollars under
20,000 dollars

3.	316.193	(3)1	DUI - first offense w/property damage Pretrial Release authorized only if damage is to defendants property or property not associated with an individual or entity such as trees, sign post etc.
4.	322.34	(5)	DWLS - habitual offender
5.	379.101	(23)	Conservation - fish - moleste blue crab trap line buoy
6.	379.3014		Alligator possession, taking of an alligator or skin
7.	403.413	(6)c	Conservation environment - litter over 500 dollars commercial, hazardous any amount
8.	414.39	(2)	Forgery of - alter public assistance stamp ID etc 200 dollars or more
9.	414.39	(1)a	Fraud - impersonate for public aid 200 dollars or more
10.	414.39	(1)a	Fraud - false statement for public aid 200 dollars or more
11.	414.39	(1)a	Fraud - misrepresent fail disclose public aid 200 dollars or more
12.	414.39	(1)b	Fraud - non disclose change status public aid 200 dollars or more
13.	414.39	(3)a	Embezzle - misapprop public assistance funds 200 dollars or more
14.	414.39	(3)b	Embezzle - misapprop food stamp funds 200 dollars or more
15.	414.39	(4)a	False public assistance claim 200 dollars or more
16.	414.39	(4)b	Fraud - fail credit other pay public assistance 200 dollars or more
17.	414.39	(4)c	Fraud - receipt unauthorized public assistance claim 200 dollars or more
18.	414.39		Fraud - unauthorized use etc public assistance 200 dollars or more
19.	440.105	(7)	Fraudulent claims worker's compensation
20.	443.071	(1)	Fraudulent claims unemployment compensation
21.	509.151		Fraud - defraud innkeeper 300 dollars or more
22.	538.04	(4)a	Fraud - false statement - verify ownership 2nd hand dealer under 300 dollars
23.	539.001	(8)b(8)a	Fraud - false ownership info pawn items less than 300 dollars
24.	562.11	(1)	Liquor - sell/give/serve persons under 21 yoa subsq offense
25.	562.11	(2)	Misrepresent age to obtain alcohol
26.	562.451		Liquor - unlawful possess sell trans alcohol beverage container
27.	777.03		Accessory after the fact 3rd degree felony lvl 3 to 10
28.	806.13	(1)b(1)	Damage property - criminal mischief 200 dollars or less subsq offense

- 29. 806.13 (1)b(2) Damage property - criminal mischief over 200 dollars under 1000 dollars subseq offense
- 30. 806.13 (1)b(3) Damage property - criminal mischief - 1000 dollars or more
- 31. 810.02 (4)b Burglary - unoccupied conveyance - unarmed
- 32. 810.09 (2)d Trespass - posted construction site
- 33. 810.09 (2)e Trespass - posted horticultural property
- 34. 810.115 (1) Damage property - criminal mischief - break or injure fence 2nd subseq offense
- 35. 810.115 (2) Damage property - criminal mischief - break injure fence contain animals
- 36. 812.014 (2)c(1) Theft 300 or more but less 5000 dollars
- 37. 812.014 (2)c(2) Grand Theft 5000 dollars or more less than 10,000 dollars
- 38. 812.014 (2)c(3) Grand Theft 10,000 dollars or more less than 20,000 dollars (However, Pretrial Release is not authorized, without judicial approval, for the theft of firearms or motor vehicles)
- 39. 812.014 (2)c (7) Larceny - Grand of farm animals/aqua culture species
- 40. 812.014 Grand Theft (provided such theft is of \$10,000 or less, or property with a value of \$10,000 or less.) (However, Pretrial Release is not authorized, without judicial approval, for the theft of firearms or motor vehicles)
- 41. 812.015 (8) Retail Theft >300 dollars or more 1st offense
- 42. 812.015 (8)a & b Retail Theft alone or coordinates with other
- 43. 812.015 (8)c & d Retail Theft
- 44. 812.155 (3) Fraud - fail to redeliver hired/leased property 300 dollars or more
- 45. 812.155 (3) Failure to Redeliver Leased/Hired personal property
- 46. 817.02 Fraud - impersonate - obtain property by
- 47. 817.234 (11)a Fraud - insurance fraud < 20,000 dollars
- 48. 817.481 (1) Fraud - illegal use of credit card - obtain goods 300 dollars or more
- 49. 817.481 (2) Fraud - Avoid or attempt to avoid payment phone 300 dollars or more
- 50. 817.52 (2) Fraud - swindle - hire vehicle w/I to defraud
- 51. 817.52 (3) Fraud - fail to redeliver hired vehicle
- 52. 817.6 (5) Fraud - illegal use of credit card - deal in another
- 53. 826.01 Bigamy
- 54. 831.01 Forgery - altered public record certificate
- 55. 831.02 Pass forged - altered instrument
- 56. 831.02 Pass forged - counterfeited instrument

57.	831.02		Fraud - utter false instrument
58.	831.032	(2)	Vending counterfeit Goods
59.	831.08		Having forged bills
60.	831.09		Uttering forged bills
61.	832.041		Fraud - insufficient funds check - stop pay W/I defraud 150 dollars or more
62.	832.05	(2)	Fraud - insufficient funds check - make utter issue 150 dollars or over
63.	832.05	(4)a	Fraud - insufficient funds check - obtain goods services over 150 dollars
64.	843.15	(1)b	FTA: Misdemeanor First Offense
65.	877.08		Molesting vending machine
66.	893.13	(2)a(2)	Marijuana possess - w/intent to purchase schedule I
67.	893.13	(6)a	Marijuana possession - possess marijuana > 20 grams
68.	893.13	(6)a b	Poss cocaine or cannabis or other controlled substance-First offense third deg fel only
69.	893.13	(7)a(9)	Forgery - obtain controlled substance by
70.	893.13	(7)a(9)	Fraud - obtain controlled substance by
71.	893.13	(7)a(9)	Obtaining controlled substance by false pretenses
72.	893.147	(2)	Possession of Drug Paraphernalia
73.	918.13		Tampering with evidence - drugs only

It is THEREFORE ORDERED that:

The Pretrial Release Program be given expanded authority to release detainees charged with any of the above listed offenses without the prior verbal or written consent of a Judge, provided that the following criteria is met:

- 1) Detainee demonstrates sufficient ties to the Brevard County community as evidenced by:
 - a) Detainee owns own home, or has resided in Brevard County for a period of at least twelve (12) consecutive months, or
 - b) Detainee lives with legal parent(s) or guardian(s) who own their own home in Brevard County, Florida, or
 - c) Detainee has a source of income and has resided in Brevard County for a period of at least twelve (12) consecutive months, or
 - d) Detainee is currently registered at an institution of higher learning as a full time student (post high school), with family ties to Brevard County, Florida.
- 2) Detainee is not currently charged with assault, battery or dangerous crimes listed in section 907.041(4)(a) Florida

Statutes, and does not have a previous conviction reflecting same; detainee is not currently charged with an offense greater than a third degree felony; detainee does not have a detainer; detainee does not have a previous failure to appear; detainee does not have a previous violation of probation within the past three years; detainee does not have other pending criminal charges; detainee's prior record does not reflect two or more juvenile delinquency adjudications and/or criminal convictions within the past five (5) years.

- 3) Detainee does not present a danger to the community because of drug abuse, alcohol abuse, or mental illness;
- 4) Detainee has not provided any untruthful information in application for pretrial release.

However, in cases where the Sheriff of Brevard County, local Chiefs of Police, the State Attorney of the Eighteenth Judicial Circuit, or any of their deputies, assistants, or designees, objects to a detainee's release by notifying the Pretrial Release Program of said objection; the detainee shall not be released prior to First Appearance. Release decisions for all such detainees shall be made by the Judge presiding at First Appearance.

All those not meeting the above requirements of release shall be evaluated for Pretrial Release consideration by the Judge presiding at First Appearance.

DONE AND ORDERED this 18th day of February, 2009.

CLAYTON D. SIMMONS
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CHIEF JUDGE

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