

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

ADMINISTRATIVE ORDER NO.:
18-26-S

**IN RE: CRIMINAL - MODIFICATION OF MONETARY BOND AMOUNTS AND BOND
CONDITIONS UPON THE FILING OF AN INFORMATION CHARGING
DIFFERENT CRIMES THAN THOSE CONTAINED IN THE ARREST REPORT**

WHEREAS, pursuant to section 903.02(4), Florida Statutes, bond is set according to the Bond Schedule Administrative Order to correspond with the specific charges brought against a defendant in the arrest affidavit; and

WHEREAS the Office of the State Attorney has the exclusive discretion to charge any crimes supported by the sworn facts and is not bound by the charges for which a defendant is arrested; and

WHEREAS the bond set at first appearance may not be appropriate for the charges formally brought by the State Attorney; and

WHEREAS the Clerk of the Court releases the posted bond when the charges brought by the State reference a different chapter of the Florida Statutes from those upon which a defendant is arrested, eliminating the monetary incentive for a defendant to appear at all scheduled court hearings to answer for the charges.

NOW, THEREFORE, it is ORDERED:

1. When the State files an Information charging only misdemeanor(s) in a case where the defendant was originally arrested for a felony offense but has not yet posted the felony bond:
 - a. The Clerk of the Court shall immediately assign the case a misdemeanor case number; and
 - b. The case shall be removed from the felony docket to which it was originally assigned, and the felony arraignment shall be cancelled; and
 - c. The misdemeanor case shall be set on the next First Appearance docket. The First Appearance Judge is authorized to modify the previous bond amount and conditions

pursuant to the controlling Bond Schedule and other relevant factors and shall set the case for an arraignment before the duly assigned County Court Judge; and

- d. All parties shall be provided the opportunity to be heard regarding the modified bond amount and conditions.
2. When the State files an Information charging a defendant, who is not in custody, with crime(s) arising from a different chapter of the Florida Statutes than the original offense(s) for which the defendant was arrested:
 - a. The State shall indicate on the filed Information that “This Information, as a charging document, encompasses all charges contained in this case. The Seminole County Sheriff's Office shall substitute the charge(s) indicated on this Information for those on the corresponding arrest report, criminal traffic citation, arrest warrant, or summons/capias report. The bond(s) shall not be released and shall remain as last set under this case number. The bond(s) shall apply to each charge indicated on this Information in order of highest bond to lowest bond.”
 - b. When the Information contains the above notation, the Clerk shall not release the bond. The Clerk of the Court shall transfer the bond(s) so as to apply to the new charge(s) filed in the State's Information. If there is any question as to what bond is to be transferred to the charge(s) filed in the State's Information, the Clerk of the Court is to assign each bond, beginning with the greatest bond from the arrested offense(s), in descending order, to each of the charge(s) filed in the State's Information.
 - c. The parties may move the assigned court to modify the bond as permitted by law.

DONE AND ORDERED this 5th day of June, 2018.

JOHN M. HARRIS
JOHN M. HARRIS
CHIEF JUDGE

DISTRIBUTION:

Distribution:

All Circuit and County Judges (Seminole County)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Seminole County)
Public Defender (Seminole County)
State Attorney (Seminole County)
Sheriff (Seminole County)
Bar Association (Seminole County)
Law Library (Seminole County)