

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

**CASE NO. 4-1  
(Court Administration)**

**ADMINISTRATIVE ORDER  
NO. 82-20 A1  
(Amending AO No. 82-20)**

**IN RE: RESCINDING DELEGATION OF  
AUTHORITY TO THE CLERK WITH  
RESPECT TO CERTAIN DISCHARGES  
OF SURETIES ON BAIL BONDS**

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**WHEREAS**, pursuant to Administrative Order No. 82-20, entered on December 10, 1982, the Clerk of the Court was delegated authority to discharge sureties on bail bonds based upon certain criteria; and

**WHEREAS**, one such criterion provides for the Clerk to issue a certificate or memorandum of discharge of the surety on the bail bond in any case that the defendant has been placed in the Pretrial Intervention Program or any other pre or post-trial probation program ("Program"); and

**WHEREAS**, the Program is designed to keep first time offenders out of the criminal justice system, whereby defendants who meet the requirements of the Program voluntarily enter the Programs and upon completion therefrom, have the charges nolle prossed; and

**WHEREAS**, if the defendant does not successfully complete the Program, the charges are not nolle prossed and the case proceeds as any other criminal case; and

**WHEREAS**, the Court has been advised that when a defendant is placed in a Program, pursuant to Administrative Order No. 82-20, the Clerk automatically discharges the surety on the bail bond in the case involving said defendant; and

**WHEREAS**, consequently, where the defendant is in a Program and commits another offense while in the Program, notwithstanding the defendant's termination from the Program, because the bond was discharged on the case under which the defendant was in the Program, judges have determined that they do not have the discretion under §903.0471, Florida Statutes, to revoke the defendant's pretrial release because there is no longer a bond; and

**WHEREAS**, invariably, therefore, if the defendant commits another offense, judges will set a bond on the previous charges, as well as on the new charges; and

**WHEREAS**, it has been determined that defendants who are placed in the Program should not be treated differently from a defendant who is out on bond or any other type of pre-trial release and commits a new crime, in that judges often revoke the bond or pre-trial release upon the proper findings as required by the statutes; and

**WHEREAS**, inasmuch as defendants who are in a Program have not had their cases nolle prossed until they successfully complete the Program, and upon doing so the State will announce a nolle prosequi, whereupon the Clerk may issue a certificate or memorandum of discharge of the surety on the bail bond as set forth in Administrative Order 82-20; and

**WHEREAS**, in the interest of public safety, as well as to eliminate any impediment to the judiciary's exercising its discretionary authority to revoke pretrial releases, the criterion in Administrative Order 82-20 pertaining to the Clerk's authority to discharge the surety of a defendant in a Pretrial Intervention Program or any other pre or post-trial probation program, must be rescinded;

**NOW, THEREFORE**, pursuant to the authority vested in me as Chief Judge, it is hereby **ORDERED**:

1. Administrative Order No. 82-20 is amended to rescind the authority of the Clerk of the Court to issue a certificate or memorandum of discharge of the surety on the bail bond in any case that the defendant has been placed in the Pretrial Intervention program or any other pre or post-trial probation program.
2. Except as specifically amended herein, Administrative Order No 82-20, entered on December 10, 1982, remains in full force and effect.

This Order shall take effect immediately and shall remain in effect until further order of the Court.

**DONE AND ORDERED** in Chambers at Miami-Dade, Florida, this 12<sup>th</sup> day of April, 2004.

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**JOSEPH P. FARINA, CHIEF JUDGE**  
**ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**