

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR HERNANDO COUNTY, FLORIDA

ADMINISTRATIVE ORDER H-2001- 26

**ADMINISTRATIVE ORDER REGARDING BAIL FOR ALLEGED VIOLATORS
WHERE ALLEGED VICTIM IS REQUESTING EMERGENCY
INJUNCTIVE RELIEF PURSUANT TO F.S. 741.30**

WHEREAS, F.S. 741.2901(3) requires the office of the State Attorney to provide detailed information of a defendant's history at first appearance; and

WHEREAS, the legislative intent pursuant to F.S. 741.2902(1) is that at the first appearance, the Court consider the safety of the victim and the victim's minor children, and exercise caution in releasing defendants; and

WHEREAS, this Court has previously, by administrative order, provided procedures for handling emergency requests for injunctive relief from domestic violence on holidays, weekends, and after normal court hours, and that the circuit judges presiding in this county believe that further procedures are necessary to carry out the abovementioned mandates, and that the procedures set forth herein are the most reasonable and practical to accomplish same, and that said format will not prejudicially affect the rights of any such defendants; now therefore

IT IS HEREBY ORDERED that:

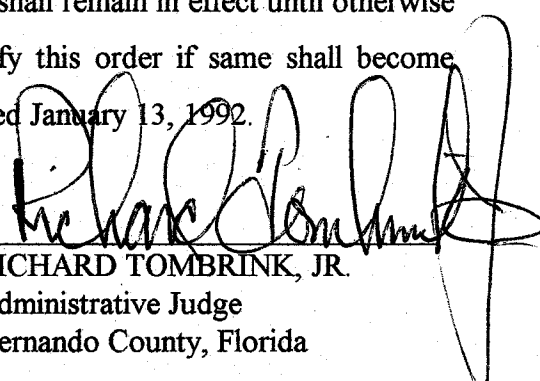
1) No law enforcement agency, correction officer, or law enforcement officer, having arrested any individual for violation of F.S. 784.011, 784.021, 784.03, 784.041, 784.045, 794.011, 794.0115, 794.023, 794.05, or 741.31, where the alleged victim is a family or household member and is requesting emergency injunctive relief, shall set bail for such person at the time of booking. On the contrary, said person shall, pursuant to F.S. 741.2901(3) be held without bail, and held over to the next immediate first appearance, at which time all appropriate matters concerning bail shall be addressed by the judge handling first appearance as mandated by F.S. 741.2901, 741.2902, and Chapter 903, Florida Statutes; and

2) The Clerk of the Circuit Court for Hernando County shall, by internal procedure, establish policies that will enable any person requesting emergency injunctive relief under the terms of this order to expeditiously submit a petition requesting same; and

3) In those cases wherein injunctive relief is being sought pursuant to Chapter 741, Florida Statutes, during holidays or after non-working hours, and the respondent of said petition has not been arrested nor is physically being detained by any law enforcement agency, the Clerk of the Circuit Court shall establish such procedures as necessary to assist those parties petitioning for said injunctive relief in preparing and presenting the petition to the duty judge or to the judge handling first appearance, whichever is most appropriate; and

4) Any judge handling first appearance for the citizens of Hernando County affected by this order is hereby empowered and requested, pursuant to the provisions of this order and other existing administrative orders, to review any requests for injunctive relief submitted pursuant to F.S. 741.30, and to take appropriate action thereof, as well as to carry out the duties and responsibilities indicated by the legislative intent with respect to the judiciary's role as set forth in F.S. 741.2902; and

5) This order shall become effective immediately, and shall remain in effect until otherwise changed; and jurisdiction is reserved to appropriately modify this order if same shall become necessary. This order supersedes and replaces A.O. 92-1, dated January 13, 1992.



RICHARD TOMBRINK, JR.
Administrative Judge
Hernando County, Florida