IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order No. 2026-28-Crim

FIRST APPEARANCE DIVISION

(a) Florida Rule of General Practice and Judicial Administration 2.215(b)(3) states the Chief Judge "ensures the efficient and proper administration of all courts within [this] circuit, considering available resources."

(b) A First Appearance Division is established to ensure every arrested person may be taken before a judicial officer as required by law or rule of procedure.[1]

(c) It shall be the responsibility of all judges presiding over first appearance to determine probable cause and examine the custody status of all persons appearing before the first appearance judge. Public safety shall be the overwhelming consideration of all judges who establish a monetary bond, place persons on pretrial release or release the person on their own recognizance. For those persons, who do not pose a threat to the public safety, all judges shall consider the criteria in s. 903.046(2), when determining non-monetary conditions in lieu of or in addition to monetary amount and specify the non-monetary conditions of pretrial release to be imposed.

(d) In accordance with the authority vested in the Chief Judge by Article V. section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED, effective immediately:**

(1) All first appearance proceedings shall be open to the public, except proceedings otherwise designated as confidential by court rule or Florida Statutes.

(2) Date and Time.

(a) **General.** A First Appearance docket shall be conducted at 8:30 a.m. and 1:00 p.m., Monday through Friday of each week. Any individual arrested, and

[1] If the arrested person is a minor and not being held on charges filed as an adult by the State Attorney, he or she will not be brought before the First Appearance Judge except on court holidays or weekends. If the arrested person is a minor, he or she will be brought before the judge presiding over detention hearings Monday through Friday. The procedures for juvenile detention hearings are established by separate Administrative Order. If the minor is charged with a misdemeanor criminal traffic offense, he or she shall be treated as an adult as required by law.

completed processing at the Broward County Jail or other detention facility no later than 4:00 a.m., shall be placed on the 8:30 a.m. docket, except as otherwise provided in this Administrative Order. Any individual arrested and completed processing at the Broward County Jail or other detention facility no later than 9:00 a.m. shall be placed on the afternoon docket, except as otherwise provided in this Administrative Order. Nothing in this Administrative Order precludes the judge presiding in first appearance to alter the schedule for judicial efficiency.

(b) On court holidays, Saturdays, and Sundays, the First Appearance docket shall be conducted at 8:30 a.m. only. First Appearance matters held on court holidays, Saturdays, and Sundays include shelter hearings, juvenile detention hearings, and misdemeanor and felony domestic violence matters.

(c) During any natural disaster or emergency closure of the courts, the Chief Judge shall determine the time and/or location for conducting first appearance hearings.

(d) Individuals arrested for violations of probation or community control shall not be taken before the First Appearance judge, unless otherwise required under this Administrative Order, but shall be taken before the appropriate judge as set forth in paragraphs (11) and (12) of this Administrative Order.

(3) Location. The First Appearance hearings will be held in Room 4155 of the Broward County Courthouse-West Tower, 201 S.E. Sixth Street, Fort Lauderdale, Florida, 33301, with video links to any and all facilities where the arrested individual is detained by the Broward County Sheriff.

(4) Required Attendance.

The following individuals shall be present at the First Appearance hearings: First Appearance Judge[2] (First Appearance Judge), Clerk of the Courts or her

[2] Monday through Friday dockets for all first appearance matters will be heard by a county court judge assigned pursuant to a separate Administrative Order. A circuit or county court judge will be assigned to all First Appearance duties by memorandum from the Chief Judge to preside at dockets held on Saturdays, Sundays, and court holidays. If a judge assigned to a First Appearance docket is not able to preside, for any reason, he or she shall secure a replacement and advise the Chief Judge, Trial Court Administrator, Administrative Judge for the County Court, Chairperson for the County Criminal Division, and Clerk, in writing, of his or her replacement, or the Administrative Judge of the County Court may assign a substitute by written memorandum. If the judge is not able to provide written notice, he or she shall verbally advise the Chief Judge, Administrative Judge for the County Court, Chairperson for County Criminal Division, and Clerk, and thereafter provide written notice. In the event a judge resigns or retires, the judge appointed or elected to fill the vacancy shall be responsible to preside at the dockets assigned to the judge who resigned or retired.

designee (herein Clerk), State Attorney or his designee (herein State Attorney), Public Defender or his designee (herein Public Defender), Court Video Operator/Digital Court Reporter, Sheriff or his designee(s) (herein Sheriff) as necessary to provide security, Court Bailiff assigned by the Sheriff, Pre-Trial Services[3] or designee(s) (herein Director), and the individual being detained by the Sheriff.

A Spanish Interpreter and Creole Interpreter shall be on call/available for the scheduled First Appearance dockets on Monday through Friday. A Spanish Interpreter shall be on call/available for the scheduled First Appearance dockets on Saturdays, Sundays, and court holidays. If the need for an interpreter for a language other than Spanish were to arise during the weekend or court holiday, the Spanish interpreter on duty shall contact Language Line Services to secure the required language interpreter. If an interpreter is required and none is available, the First Appearance Judge shall determine if there is probable cause to continue to detain the individual and reset the matter for the next court business day on the afternoon docket so that an interpreter may be present at the hearing. The First Appearance Judge shall advise the Trial Court Administrator's Interpreter Services of the case number, date and time of the hearing, and language required.

If the First Appearance Judge determines the detained individual voluntarily refuses to attend the First Appearance hearing, the First Appearance Judge shall determine probable cause for the absent individual as required by law or rule of procedure.

(5) Representation at First Appearance.

All persons arrested for and/or charged with violating a state statute, or county or municipal ordinance are entitled to representation by legal counsel at first appearance.

If the accused has not retained private counsel to represent them, and if the accused is indigent and arrested for and/or charged with violating a state statute, the Office of the Public Defender shall be appointed to represent the accused at first appearance. The representation shall continue until the Clerk makes a determination on the accused's application for indigent status. Should the Clerk determine the

[3] Pre-Trial Services shall provide the First Appearance Judge with a pre-trial assessment of each defendant appearing at first appearance. Pre-Trial Services shall utilize the Ohio Pre-Trial Assessment Tool. The First Appearance Judge may utilize the results from such assessment, together with any other relevant information, in determining release conditions or bond.

accused is not indigent, the Office of the Public Defender shall be discharged from representation without further order of the Court. If the accused fails to submit an application for criminal indigent status within seven (7) days after being brought before the Court for his or her first appearance hearing, the Office of the Public Defender may file the appropriate motion regarding the accused's indigency status and set the motion for hearing before the presiding judge. Where the accused remains in custody, judges shall, as their dockets permit, prioritize scheduling hearings on motions filed by the Office of the Public Defender that concern the accused's indigency status.

If the accused has not retained private counsel to represent them, and if the accused is indigent and arrested for and/or charged with violating a county or municipal ordinance, and the county or municipality has not entered into an agreement with the Public Defender pursuant to section 27.51, Florida Statutes to represent individuals arrested for only county or municipal ordinance violations, the arresting entity shall have an attorney or attorneys present at First Appearance for appointment by the presiding judge for indigent individuals Monday to Friday at 9:30 a.m. and 1:30 p.m. On weekends and court holidays, the municipality shall have an attorney present at First Appearance between the hours of 9:00 a.m. and 10:00 a.m.

If the county or municipality has not entered into an agreement with the State Attorney pursuant to section 27.02, Florida Statutes to prosecute county or city municipal ordinance violations, the arresting entity shall have an attorney present at First Appearance Monday to Friday at 9:30 a.m. and 1:30 p.m. On weekends and court holidays, the arresting entity shall have an attorney present at First Appearance between the hours of 9:00 a.m. and 10:00 a.m.

The county and each municipality shall provide the Chief Judge, Clerk, Sheriff, and First Appearance Judge the name of the attorney who is prosecuting violations on its behalf and the name of the attorney to be appointed for indigent individuals charged with only a county or municipal ordinance no later than the first of each month.

(6) Required Pleadings/Papers.

(a) The following documents shall be provided to the First Appearance Judge at the first appearance hearing for each individual: (i) booking slip; (ii) probable cause affidavit or other document setting forth the reasons for the individual's arrest; (iii) Pretrial Services Report; and (iv) the individual's criminal history

information[4], if completed. Broward Pretrial Services shall also provide to the Court, Public Defender and State Attorney a risk assessment report objectively assessing risk factors for the accused.

(b) The Clerk or Broward Pretrial Services shall provide a copy of the booking slip, probable cause affidavit, risk assessment evaluation or other document setting forth the reasons for the individual's arrest and any other paper as required by law or rule of procedure to the State Attorney, Public Defender, and Director.

(c) The Clerk or Sheriff shall prepare and provide to the First Appearance Judge, Administrative Judge of the County Court, State Attorney, Public Defender, Director, and Sheriff or Clerk a printed list of all cases heard at each First Appearance docket. The Clerk and Sheriff shall confer to determine which entity will be responsible for providing the printed list as required by this provision.

(7) Hearing Required. All individuals in the custody of the Sheriff being detained because of an arrest, warrant, capias, or order shall be brought before the First Appearance Judge for a hearing within twenty-four (24) hours of his or her arrest as required by law or rule of procedure, unless otherwise indicated in this Administrative Order.

(8) Pretrial Detention: Pursuant to section 907.041, Florida Statutes, if the court determines there is probable cause that the defendant committed a forcible felony and determines by a preponderance of the evidence that the defendant is an unauthorized alien, the court shall presume the defendant is a flight risk and no conditions will ensure the defendant's appearance at trial and order pretrial detention. The defendant may rebut with a preponderance of the evidence that conditions will ensure the defendant's presence at trial. Even if the court finds the defendant has rebutted the presumption, the court must consider the criteria in section 903.046, Florida Statutes, and any other relevant facts to determine whether to release the defendant on bail or other conditions.

(9) Release On Own Recognizance. It is a routine occurrence that persons charged with misdemeanor crimes cannot afford the bond associated with such charge because of financial constraints or hardship. Under Florida law, individuals charged with certain offenses, including misdemeanor crimes, are entitled to pretrial

[4] Administrative Order III-97-A-13A remains in effect. If the criminal history is not provided at the time of booking as set forth in Administrative Order III-97-A-13A, the criminal history shall be provided by the Sheriff.

release on reasonable conditions. An individual's entitlement to reasonable pretrial release conditions shall not be tied to their financial ability to post a monetary bond. As such, when considering pretrial release for all cases where an individual is arrested for and/or charged with a misdemeanor crime, excluding misdemeanor crimes for or involving driving under the influence, stalking, violation of a court order, indecent exposure (excluding urination), battery, domestic violence, or animal cruelty, monetary release conditions shall be disfavored and the presumption shall be in favor of release on non-monetary release conditions, including release on the defendant's own recognizance. This presumption, already recognized under Florida Law, does not limit the authority of the First Appearance Judge to consider all relevant and legal factors in determining pretrial release, including those set forth in section 903.046, Florida Statutes and Florida Rule of Criminal Procedure 3.131.

(10) Second Hearing before the First Appearance Judge. If any individual is still being detained on a misdemeanor charge or county or municipal ordinance violation and has not been released from the Sheriff's detention facility within two (2) days after being granted bond or pretrial release at his or her first appearance hearing, or if any individual is detained on a non-violent second or third degree felony charge, which is not an offense listed in section 907.041(4), Florida Statutes, and has not been released from the Sheriff's detention facility within two (2) days after being granted bond or approved for release under the supervision of Pre-Trial Release program at his or her first appearance hearing, there shall be a second hearing before the First Appearance Judge on the first court business day that is not a weekend or court holiday at the afternoon docket for first appearance hearings. The Director shall prepare the list of individuals eligible for a second hearing and forward the list to the Clerk. The Clerk shall thereafter prepare and distribute a copy of the second hearing docket to the First Appearance Judge, Administrative Judge of the County Court, State Attorney, Public Defender, Office of Criminal Conflict and Civil Regional Counsel, Sheriff, and attorney retained by the county or each municipality to represent individuals charged with only a county or municipal ordinance violation.

(11) In Custody Felony Violation of Probation.

(a) All persons arrested on a felony warrant for violation of probation or community control shall be transported, upon arrest, to the Broward County Main Jail.

(b) The Broward Sheriff's Office shall ensure that all persons arrested Monday-Thursday and on Sunday on a felony warrant for violation of probation or community control and who are held with no bond or who are unable to post

a monetary bond are taken directly to the division judge presiding over their case the next court business day following their arrest.

(c) Individuals arrested on a Friday, Saturday, or court holiday on a felony warrant for violation of probation or community control and who are held with no bond or who are unable to post a monetary bond shall be taken before the division judge presiding over their case the next court business day following their arrest.

(d) It shall be the responsibility of the Department of Corrections and the Clerk to ensure that all necessary paperwork, including pleadings, warrants, etc., relating to the allegations of violation of probation or community control is provided to the Court, Public Defender, and State Attorney contemporaneously with the Defendant's court appearance.

(e) The Clerk, Sheriff, or Department of Corrections shall prepare and provide to each division judge, the State Attorney and Public Defender, a daily (Monday-Friday) printed list of all cases to be heard by each division judge in accordance with this section.

(f) All persons arrested on a felony warrant for violation of probation or community control, the basis of which is a new law violation, shall be taken before the First Appearance Judge in accordance with this Administrative Order. A subsequent hearing for persons arrested for and/or charged with a new law violation and a violation of probation or community control pursuant to section 948.06, Florida Statutes, shall be held by the division judge presiding over their case two (2) days following their arrest, or the next court business day if the second day is a weekend or court holiday.

(g) In any case where the assigned division judge is unavailable, the Clerk or Sheriff shall notify the Administrative Judge of the Circuit Criminal Division in order for a hearing to be scheduled before an available judge. If the Administrative Judge of the Circuit Criminal Division is unavailable, the Clerk or Sheriff shall notify the Chief Judge.

(h) Any person arrested on an out-of-county or out-of-state felony warrant for violation of probation or community control where there is no pending case in Broward County or the Seventeenth Judicial Circuit, shall be taken before the First Appearance Judge in accordance with this Administrative Order. Upon booking an individual in this category, the Broward County Sheriff's

Office will immediately notify the out-of-county or out-of-state entity that the individual is subject to an out-of-county or out-of-state hold.

(12) In Custody Misdemeanor Violation of Probation.

(a) All persons arrested on a misdemeanor warrant for violation of probation shall be transported, upon arrest, to the Broward County Main Jail.

(b) All persons arrested Monday-Thursday and on Sunday on a misdemeanor warrant for violation of probation for a case with a designation 10, and who are held with no bond or who are unable to post a monetary bond, shall be taken directly to the division judge presiding over their case the next court business day following their arrest.

(c) Individuals arrested on a Friday, Saturday, or court holiday on a misdemeanor warrant for violation of probation for a case with a designation of 10 and who are held with no bond or who are unable to post a monetary bond shall be taken directly to the division judge presiding over their case the next court business day following their arrest.

(d) All persons arrested Monday-Thursday and on Sunday on a misdemeanor warrant for violation of probation for a case with a designation of 20, 30, or 40, and who are held with no bond or who are unable to post a monetary bond, shall be taken before the Chairperson of the County Criminal Division the next court business day following their arrest for appropriate action, including reassignment to another judicial officer if necessary.

(e) Individuals arrested on a Friday, Saturday, or court holiday on a misdemeanor warrant for violation of probation for a case with a designation of 20, 30, or 40, and who are held with no bond or who are unable to post a monetary bond shall be taken before the Chairperson of the County Criminal Division the next court business day following their arrest for appropriate action, including reassignment to another judicial officer if necessary.

(f) All persons arrested on a misdemeanor warrant for violation of probation, the basis of which is a new law violation, shall be taken before the First Appearance Judge in accordance with this Administrative Order.

(g) In any case where the assigned division judge is unavailable, the Clerk or Sheriff shall notify the Chairperson for the County Criminal Division in order for a hearing to be scheduled before an available judge. If the Chairperson for

the County Criminal Division is unavailable, the Clerk or Sheriff shall notify the Chief Judge.

(h) Any person arrested on an out-of-county or out-of-state misdemeanor warrant for violation of probation where there is no pending case in Broward County or the Seventeenth Judicial Circuit, shall be taken before the First Appearance Judge in accordance with this Administrative Order. Upon booking an individual in this category, the Broward County Sheriff's Office will immediately notify the out-of-county or out-of-state entity that the individual is subject to an out-of-county or out-of-state hold.

(13) In Custody Felony Violation of Pretrial Service Supervision

(a) All persons arrested on a felony warrant for violation of Pretrial Service Supervision (pretrial release) shall be transported, upon arrest, to the Broward County Main Jail.

(b) The Broward Sheriff's Office shall ensure that all persons arrested Monday-Thursday and on Sunday on a felony warrant for violation of pretrial release who are held with no bond or who are unable to post a monetary bond are taken directly to the division judge presiding over their case the next court business day following their arrest.

(c) Individuals arrested on a Friday, Saturday, or court holiday on a felony warrant for violation of pretrial release and who are held with no bond or who are unable to post a monetary bond shall be taken before the division judge presiding over their case the next court business day following their arrest.

(d) It shall be the responsibility of the Broward Sheriff's Office Division of Pretrial Services and the Clerk to ensure that all necessary paperwork, including pleadings, warrants, etc., relating to the allegations of a felony warrant for violation of pretrial release is provided to the Court, Public Defender, and State Attorney contemporaneously with the Defendant's court appearance.

(e) The Clerk or Sheriff shall prepare and provide to each division judge, the State Attorney and Public Defender, a daily (Monday-Friday) printed list of all cases to be heard by each division judge in accordance with this section.

(f) All persons arrested on a felony warrant for violation of pretrial release, the basis of which is a new law violation, shall be taken before the First

Appearance Judge in accordance with this Administrative Order. A subsequent hearing for persons arrested for and/or charged with a new law violation and a violation of pretrial release shall be held by the division judge presiding over their case two (2) days following their arrest, or the next court business day if the second day is a weekend or court holiday.

(14) In any case where the assigned division judge is unavailable, the Clerk or Sheriff shall notify the Administrative Judge of the Circuit Criminal Division in order for a hearing to be scheduled before an available judge. If the Administrative Judge of the Circuit Criminal Division is unavailable, the Clerk or Sheriff shall notify the Chief Judge.

(15) Extradition Warrants and Extradition Hearings. If an individual is detained on a warrant requesting or requiring extradition, the Sheriff shall provide a docket of cases to be heard to the judge presiding in Division MD with a copy to the State Attorney, Public Defender, and Clerk. All hearings required by law or rule of procedure shall be heard by the judge presiding in Division MD in courtroom WW5160 on Tuesdays and Thursdays at 1:00 p.m. or as otherwise indicated by the court, excluding court holidays. In the event the judge presiding in Division MD is unavailable or otherwise absent, these matters shall be heard by such other judge as may be designated by the Chief Judge from time to time. The Broward Sheriff's Office shall be responsible for transporting any individuals for extradition hearings.

(16) Felony Capias Arrests. If an individual is detained on a felony capias, the Clerk shall set the case on the presiding judge's next court business day docket.

(17) Misdemeanor Capias Arrests. Unless an individual is held with no bond, any individual arrested on a misdemeanor capias shall appear before the First Appearance Judge who shall have authority to modify the bond or set pretrial release conditions. If an individual is held with no bond on a misdemeanor capias for a case with a designation of 20, 30, or 40, the judge shall direct the Clerk to set the case before the Chairperson of the County Criminal Division the next court business day following his or her arrest for appropriate action. If an individual is held with no bond on a misdemeanor capias for a case with a designation of 10, the judge shall direct the Clerk to set the case on the county criminal division judge's next court business day docket.

(18) Civil Detentions.

(a) Any individual detained on an out-of-county or out-of-state civil writ or other non-criminal order requiring detention where there is no pending case in Broward County or the Seventeenth Judicial Circuit, excluding a writ of arrest

for failure to pay child support, shall be heard on the next First Appearance docket in accordance with this Administrative Order.

(b) Any individual detained on a local civil writ or other non-criminal order requiring detention where there is either a pending case in Broward County or the Seventeenth Judicial Circuit, excluding a writ of arrest for failure to pay child support, shall be taken directly to the division judge presiding over their case the next court business day following their arrest. In any case where the assigned division judge is unavailable, the Clerk or Sheriff shall notify the Administrative Judge of the Circuit Civil Division of the individual's detention. If the Administrative Judge of the Circuit Civil Division is unavailable, the Clerk or Sheriff shall notify the Chief Judge.

(19) All Other Authorized Detentions. If an individual is otherwise detained by the Sheriff for any reason not specifically addressed in this Administrative Order and in which there is no pending case in Broward County or the Seventeenth Judicial Circuit, the Sheriff shall advise the Chief Judge of the individual's detention. In the absence of the Chief Judge, the Sheriff shall advise the Circuit Criminal and Circuit Civil Duty Judges.

(20) Additional Charges or Amended Charges. If an individual in custody is charged with additional crimes or the initial charges are otherwise amended, the individual shall be heard on the next First Appearance docket as to the additional crimes or amended charges as required by law or rule of procedures.

(21) Filing of Formal Charges. If an individual remains in the custody of the Sheriff for thirty (30) days from the date of arrest without formal charges being filed, a hearing shall be held before the First Appearance on the 33rd day following the individual's arrest. It shall be the responsibility of the Broward Sheriff's Office, State Attorney and/or Public Defender to bring such cases to the attention of the Court. It shall be the responsibility of the Broward Sheriff's Office and/or State Attorney to advise the Court in such cases where the individual is unrepresented by legal counsel.

(22) Authority of First Appearance Judge. Any judge presiding at any hearing authorized by this Administrative Order shall have the full power and authority of a county judge or circuit judge, as necessary, based upon the matter presented for a determination. If an individual has been released on conditions, monetary bond or otherwise, and that individual is subsequently arrested on a new charge and brought before the First Appearance Judge for determination of probable cause on the new arrest, the Chief Judge hereby authorizes any substitute judge presiding at the first

appearance hearing to have the power to implement the procedures of section 903.0471, Florida Statutes, to revoke release in the prior case.

(23) Notification. It shall be the responsibility of the Broward Sheriff's Office, Department of Detention to advise the Chief Judge of any person who is not facing a criminal charge or charges and who is confined in the Broward County Jail for more than thirty (30) days.

(24) This Administrative Order vacates and supersedes Administrative Order 2025-20-Crim.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida on this 17th day of July, 2026.

/s/ Carol-Lisa Phillips
Carol-Lisa Phillips
Chief Judge