

**IN THE THIRTEENTH JUDICIAL CIRCUIT
FOR HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2006-093
(Supersedes Administrative Orders S-2000-108 and S-2002-018)**

GENERAL CIVIL DIVISION “T” (“JIMMY RYCE ACT” CASES)

WHEREAS part V of chapter 394, Florida Statutes, provides for the determination and the long-term care and treatment of sexually violent predators¹; and

WHEREAS it is necessary for the proper administration of justice within this circuit to establish procedures for the assignment and processing of these Jimmy Ryce Act cases; and

WHEREAS the chief justice of the Florida Supreme Court has ordered the undersigned chief judge to direct the clerk of the circuit to report judicial workload of Jimmy Ryce Act cases using a standard form; it is therefore

ORDERED:

1. Transfer of Cases Pending on the Effective Date of this Administrative Order

All petitions filed by the state attorney pursuant to section 394.914, Florida Statutes (“Jimmy Ryce Act cases”), which are pending in any division of the circuit court on the effective date of this administrative order, shall be transferred to General Civil Division “T.”

2. Filing of New Cases

On or after the effective date of this administrative order, all new Jimmy Ryce Act cases shall be filed in General Civil Division “T” and be assigned a circuit civil case number. All petitions should be styled “In Re: Commitment of _____” (followed by the name of the person alleged to be

¹ The precursor to part V of chapter 394 of the Florida Statutes was colloquially known as the “Jimmy Ryce Act” – short for the “Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators’ Treatment and Care Act.” See Ch. 98-64, § 1, at 446, Laws of Florida. General Civil Division “T” is therefore to be known as the “Jimmy Ryce Act” division.

a sexually violent predator).

3. Probable Cause Determination

Upon filing the initial petition, it shall be the responsibility of the petitioner to bring the petition to the attention of the presiding judge for a probable cause determination pursuant to section 394.915, Florida Statutes. Notwithstanding Administrative Order S-1998-127, court files may be checked out by attorneys of record or attorneys designated by attorneys of record without written court orders for the purpose of taking the court files to the assigned judge for probable cause determinations.

4. Counsel

Unless a person has already retained counsel or desires to proceed *pro se*, as soon as practicable after a petition has been filed, a determination of indigent status shall be made pursuant to section 27.52, Florida Statutes. In making this determination, the clerk may consider whether the person alleged to be a sexually violent predator was previously adjudicated or otherwise determined to be indigent for purposes of appointing the public defender. If the clerk determines the person is indigent, the public defender shall automatically be appointed to represent the person. If a conflict exists with the public defender, the court may appoint counsel from the Jimmy Ryce registry.

5. Disqualification of Judge

If the judge presiding in General Civil Division "T" enters an order of disqualification in any Jimmy Ryce case, such case shall be reassigned equitably among the General Civil Divisions (excluding Division "D") and the two Criminal Justice Trial Divisions.

6. Case Reporting

The Clerk of the Circuit Court shall continue reporting, on a quarterly basis, all Jimmy Ryce

Act cases to the Office of the State Courts Administrator by using the form attached to Supreme Court Administrative Order No. AOSC00-16 (*In Re: "Jimmy Ryce Act" Case Assignment and Reporting*).

7. **Previous Administrative Orders Superseded**

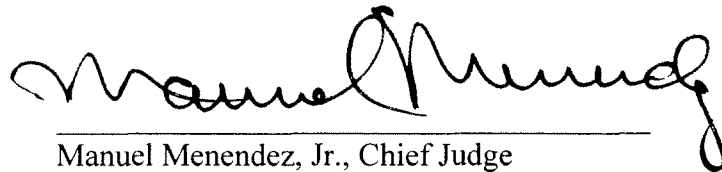
This administrative order supersedes Administrative Orders S-2000-108 and S-2002-018.

8. **Effective Date**

This administrative order shall become effective June 1, 2006.

DONE AND ORDERED in chambers in Tampa, Hillsborough County, Florida, this

5th day of May, 2006.



Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Court
Copies to: The Honorable Chet A. Tharpe
General Civil Division Judges
The Honorable Barbara Fleischer, Criminal Justice Trial Division 1
The Honorable J. Rogers Padgett, Criminal Justice Trial Division 2
Lisa Goodner, State Courts Administrator
Mark Ober, State Attorney
Julianne Holt, Public Defender
David Gee, Sheriff
Florida Department of Children and Family Services
Bonnie Rushing, Director, Clerk's Office, General Civil Division
Kathy Regan, Director, Clerk's Office, Criminal Justice Division