

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

**ADMINISTRATIVE ORDER S-2015-021
(Supersedes Administrative Order S-2014-064)**

JUVENILE DELINQUENCY PROCEDURES

It is necessary for the proper and efficient administration of justice to change the method of assigning cases which involve co-defendants, incompetent to proceed cases, and sex-related cases.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

1. Divisions & Application of Procedures

There are two primary designated divisions in the Juvenile Delinquency Division: Divisions "A" and "F." There is also a division designated as Juvenile Drug Court Division "E" and another division designated as Unified Family Court Juvenile Crossover Division "M," which is also a partially designated division in the Juvenile Delinquency Division. This administrative order does not govern the procedures in Juvenile Drug Court Division "E." This administrative order governs the procedures in Unified Family Court Juvenile Crossover Division "M" only to the extent delinquency matters are handled in Division "M."

2. Assignment of Cases

A. Children and Families in Need of Services Petitions and Truancy Petitions

All petitions under chapter 984, Florida Statutes, will be assigned to Unified Family Court Juvenile Crossover Division "M."

B. Sex-Related Offenses

All sex-related offenses will be assigned to Unified Family Court Juvenile Crossover Division "M." For purposes of this administrative order, the term "sex-related offense" means a violation of section 787.06(3)(b), (d), (f), and (g) (human trafficking involving commercial sexual activity); 794.011 (sexual battery); 794.08 (female genital mutilation); 796.04 (forcing, compelling, or coercing another to become a prostitute); 796.05 (deriving support from the proceeds of prostitution); 796.07 (prostitution); 800.02 (unnatural and lascivious acts); 800.03 (exposure of

sexual organs); 800.04 (lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age); 810.14 (voyeurism); 810.145 (video voyeurism); 825.1025 (lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult); 826.04 (incest); 827.071 (sexual performance by a child); 828.126 (sexual activities involving animals); 847.011 (obscenity); 847.012 (sale or distribution of materials harmful to minors); 847.0133 (sale or distribution of obscene materials to minors); 847.0135 (computer pornography); 847.0137 (transmission of pornography by electronic device); 847.0138 (transmission of material harmful to a minor by electronic device); or 847.0141 (sexting – noncriminal first violations and second and subsequent criminal violations), Florida Statutes.

C. Competency to Proceed

When a child's competency is believed to be at issue, the attorney of record will file a motion to determine competency in the respective division in which the child's case is pending. If the case is not pending in Unified Family Court Juvenile Crossover Division "M," the Clerk of the Circuit Court of the Juvenile Delinquency Division (clerk) will immediately transfer the case to Division "M" where experts will be appointed to determine competency. Any co-defendants will remain in the original division. If the child is found competent to proceed, the child will be transferred back to the original division. If the child is found to be incompetent to proceed, the child will remain in Division "M" for competency training. A child who is determined to be incompetent to proceed will remain in Division "M" through the resolution of his or her case, even if the child is later determined to be competent to proceed.

D. New Delinquency Cases

i. Criminal Report Affidavit - Juvenile Assessment Center

For all juveniles taken into custody and not detained in accordance with Florida Rule of Juvenile Procedure 8.045(c), the notice to appear issued to the child must indicate the division in which the child will appear. If a juvenile (1) has a pending case or cases; (2) is on probation or commitment status; (3) has ever had a pending case or cases; or (4) was ever on probation or commitment status, the division on the notice to appear will be the division in which the pending case is pending or had been pending or the division in which the juvenile is on probation or commitment status or had been on probation or commitment status. If the juvenile has no pending case(s), has never had a pending case, is not on probation or commitment status, and has never been on probation or commitment status, the division on the notice to appear will be designated based on the juvenile's last name according to the following schedule:

| DIVISION | FIRST LETTER OF JUVENILE'S LAST NAME |
|-----------------|---|
| "A" | P, Q, R, S, T, U, V, W, X, Y, Z |
| "F" | H, I, J, K, L, M, N, O |
| "M" | A, B, C, D, E, F, G |

ii. Delinquency Petition - Single defendant, no pending or previous case(s)

If a juvenile has no co-defendants and has never had a pending case or been on probation or commitment status, the newly filed delinquency petition will be assigned to one of the juvenile delinquency divisions based on the juvenile's last name according to the following schedule:

| DIVISION | FIRST LETTER OF JUVENILE'S LAST NAME |
|-----------------|---|
| "A" | P, Q, R, S, T, U, V, W, X, Y, Z |
| "F" | H, I, J, K, L, M, N, O |
| "M" | A, B, C, D, E, F, G |

iii. Delinquency Petition - Single defendant, pending or previous case(s)

If a juvenile has no co-defendants but has a pending case or cases or is on probation or commitment status or has had a pending case or cases or has been on probation or commitment status, the newly filed petition will be assigned to the division in which the other case is pending or had been pending.

iv. Delinquency Petition - Co-defendants, no pending or previous case(s)

If a newly filed petition involves co-defendants, none of whom has a pending case or have ever had a pending case or are not on probation or commitment status or have never been on probation or commitment status, the newly filed petition will be assigned to one of the juvenile delinquency divisions based on the lowest case number of the co-defendants.

v. Delinquency Petition - Co-defendants, pending or previous case(s)

If a newly filed petition involves co-defendants, any one of whom has a pending case or have ever had a pending case or is on probation or commitment

status or has ever been on probation or commitment status, the newly filed petition will be assigned to the division that has or had the lowest case number. If there is more than one pending case or had been more than one pending case, the newly filed petition will be assigned to the division handling the lowest pending case number or the division which had previously handled the lowest pending case number. All co-defendants' pending cases will be transferred to the assigned division if necessary. If co-defendants have or have had pending cases in different divisions, all pending cases will be transferred to the division which has or had the lowest case number, unless any defendant has a case pending in Division "M" solely because of the case's status as a sex-related offense (see §2B of this administrative order) or because of the child's incompetency to proceed status (see §2C of this administrative order) or because of the case's dual crossover status. If any defendant has a case pending in Division "M" solely because of the case's status as a sex-related offense or because of the child's incompetency to proceed status or because of the case's dual crossover status, that defendant's case(s) will be transferred into Division "M," apart from any other co-defendant(s).

3. Reassignment of Case upon Judge's Disqualification

If either of the judges presiding in Juvenile Delinquency Division "A" or "F" enters an order of judicial disqualification, the clerk will reassign the case to the other division. If both primary designated juvenile delinquency division judges have entered orders of disqualification, the clerk will reassign the case to the judge presiding in Unified Family Court Juvenile Crossover Division "M." If the judge presiding in Division "M" enters an order of disqualification, the clerk will reassign the case randomly to one of the primary designated divisions in the Juvenile Delinquency Division unless the case was previously pending in both of the divisions in which situation the case is to be reassigned to Juvenile Dependency Specialty Division "V."

4. Petitions and Motions

All detention petitions, delinquency petitions, petitions under chapter 984, Florida Statutes, motions and any other documents seeking relief in a juvenile delinquency action must be filed with the clerk in accordance with Florida Rule of Judicial Administration 2.525 and served in accordance with Rule 2.516. Hearings on these matters will be scheduled through the clerk.

Prior to filing any motion and scheduling a hearing, counsel should consult with opposing counsel as to the date and the time required for such hearing. If a motion is not simultaneously filed with a notice of hearing, the motion will be deemed abandoned, and the clerk will not calendar it.

Counsel must file all motions and notices of hearing no later than 12:00 noon the day preceding the scheduled hearing. All matters not in compliance with this requirement will not appear on the calendar and will be deemed abandoned until properly noticed.

All petitions, motions, or other documents will have the name of the court, uniform case number, and division letter for that child or children, and will be styled in accordance with Florida Rule of Juvenile Procedure 8.025 or 8.620.

All petitions, motions, or other documents will also contain the name, address, telephone number, e-mail address, and Florida Bar number of the attorney of record and an indication of which party the attorney represents, all of which information will appear directly below the signature line. *Pro se* litigants must include an address, telephone number, and e-mail address on any document or paper filed with the court.

Unless the presiding judge directs otherwise, any case law that counsel or a party wishes the court to consider in support of or in opposition to any motion set for hearing should be cited in the motion or submitted to the court at least 24 hours prior to the hearing on the motion.

5. Orders and Judgments

A. Timely Submission

All proposed orders or judgments, except detention and disposition orders, will be submitted to the court by the attorney designated by the court within two days of the court's decision. Detention and disposition orders will be submitted to the court immediately after the hearing.

B. Entity to Prepare Proposed Orders

Unless the presiding judge directs otherwise, the following general guidelines will also apply:

- i. Detention Orders will be prepared by the Department of Juvenile Justice.
- ii. Depending upon the party that prevails, all Pre-Disposition Orders will be prepared by either counsel for the prevailing party (the state attorney's office, the public defender's office, or defense counsel representing the child) or as otherwise directed by the presiding judge.

- iii. Disposition Orders will be prepared by the clerk.

C. Submission of Proposed Orders and Judgments

i. Judicial Automated Workflow System (JAWS) – All Parties Represented by Counsel

Unless the presiding judge directs otherwise, if all parties are represented by attorneys, none of whom have been excused from e-mail service under Florida Rule of Judicial Administration 2.516, an attorney who is requested to submit a proposed order or judgment will do so through the JAWS. Prior to submitting a proposed order or judgment, the attorney must review the presiding judge's webpage to determine that judge's format preference. Generally, if the proposed order or judgment is anticipated to be revised in any way by the presiding judge, Microsoft Word is the preferred format. Conversely, if the proposed order or judgment is on a routine matter and is expected to be adopted without any revisions by the court, then searchable PDF is the preferred format. Notwithstanding these generalities, attorneys must comply with the presiding judge's formatting preference (Microsoft Word v. PDF) when submitting a proposed order or judgment through the JAWS.

ii. Hard Copies and Envelopes – Self-Represented Party or Party's Attorney Excused from E-Service

If any party is self-represented or represented by an attorney who has been excused from e-mail service by the court under Rule 2.516, the party or attorney who is requested to submit a proposed order or judgment will do so by submitting to the presiding judge sufficient hard copies of the proposed order or judgment along with stamped, addressed envelopes.

D. Title

All proposed orders and judgments submitted to the judges will contain, in the title of the order, the exact nature of the court's ruling and must fairly apprise the reader of the action being ordered. Phrasing such as "order granting. . ." or "order denying. . ." is preferred over "order on. . ."

E. Form

No proposed order or judgment will be submitted to a judge unless such order contains in the body of the order a reference to the date(s) of the hearing during which the subject matter of the order or judgment was argued before the court and the names of the parties and counsel present. Every proposed order and judgment will also contain the name of the court, uniform case number, and

division letter, and will be styled in accordance with Florida Rule of Juvenile Procedure 8.025 or 8.620.

Any submission of a proposed order or judgment by an attorney will be considered a representation that the attorney has read it and that it is submitted in good faith in accordance with the findings and decision of the court.

F. Objections

Any attorney or party who objects to the entry of a proposed order which has been submitted to the presiding judge must immediately notify the judge's office via telephone or e-mail. If the objection notification is made by e-mail, the opposing attorney or party must be copied on the e-mail message. The objecting attorney or party must submit an alternative proposed order within two days of communicating the objection. If an alternative proposed order has not been received by the court within two days, the court will consider the objection withdrawn.

6. Cancellation of Hearings

No hearing may be canceled without the consent of all parties, approval of the court and notice to the clerk.

7. Continuances

A continuance may be granted by order of the court either before or during a hearing for good cause shown. Counsel seeking a continuance will file an appropriate motion and notice of hearing prior to the scheduled hearing date and be present for the hearing on the motion. No hearing or other proceeding will be continued upon stipulation of counsel alone.

Failure to complete discovery will not constitute cause for a continuance unless such failure is brought to the attention of the court at least five working days in advance of any scheduled hearing date and the failure is not the result of lack of diligence in pursuing discovery. Except for good cause shown, no continuance will be granted because a witness has not been served with a subpoena.

8. Scheduling Conflicts

Attorneys who have scheduled hearings or trials in more than one court at the same time will notify the affected judges and opposing counsel prior to the hearing date if the conflict might substantially affect the attorney's ability to meet his or her obligation. *See Fla. R. Jud. Admin. 2.550.*

9. Emergency Matters

Judges will be available to handle emergency matters arising in their respective divisions unless prior arrangements have been made with another judge for substitution during an absence. The associate administrative judge of the Juvenile Delinquency Division will handle emergency matters if an assigned or substitute judge is not available.

10. Court-Appointed Private Attorneys

Court-appointed private attorneys from the chief judge registry must follow the procedures for payment of fees and costs promulgated by the Justice Administrative Commission. Such Justice Administrative Commission procedures can be accessed at <http://www.justiceadmin.org>.

11. Professional Conduct and Courtroom Decorum

Counsel will adhere to The Florida Bar's Guidelines for Professional Conduct (www.floridabar.org) and the Hillsborough County Bar Association's Standards of Professional Courtesy (www.hillsbar.com). Each judge may announce and enforce additional requirements, or may excuse compliance with any provision(s) of the Guidelines or Standards as that judge deems appropriate.

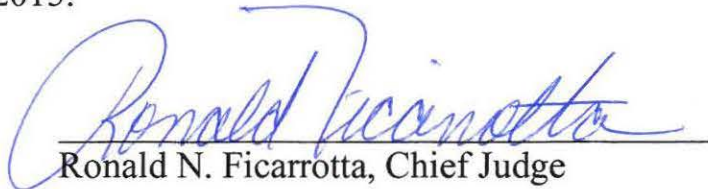
12. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2014-064 (*Juvenile Delinquency Procedures*).

13. Effective Date

This administrative order is effective April 1, 2015.

IT IS ORDERED in Tampa, Hillsborough County, Florida on this 26th day of March, 2015.


Ronald N. Ficarrotta, Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court

Copy to: All Juvenile Judges
Mark A. Ober, State Attorney
Julianne Holt, Public Defender
Department of Juvenile Justice