

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

**ADMINISTRATIVE ORDER S-2020-021
(Supersedes Administrative Order S-2020-018)**

**RELEASE OF CERTAIN PRETRIAL DETAINEES
TO MITIGATE THREAT OF COVID-19**

Both Florida law and the Florida rules of court authorize a chief judge to remove a condition of bail or reduce the amount of bond set for a pretrial detainee. See §903.02(2)(b), Fla. Stat. and Fla. R. Crim. P. 3.131(d). Based on the public health emergency that exists in the State of Florida as a result of the spread of COVID-19, it is necessary to establish emergency procedures to permit the release of certain pretrial detainees from the custody of the Hillsborough County jail.

By the power vested in the chief judge under article V, section 2(d) of the Florida Constitution; section 43.26, Florida Statutes; and Florida Rules of Judicial Administration 2.215(b)(2) and (b)(8), it is ORDERED:

1. Eligibility for Pretrial Release

Except as provided in section 3 below, the Hillsborough County Sheriff is authorized to release any pretrial detainee arrested for a municipal or county ordinance violation, a misdemeanor offense, a criminal traffic offense, or a third degree felony offense.

2. Release of Eligible Pretrial Detainees who Pose No Safety Threat

The Sheriff, or his or her designee, is authorized to use his or her discretion in releasing only such eligible pretrial detainees in section 1 of this administrative order who are believed to not pose a threat to the safety of the citizens of Hillsborough County, Florida.

3. Public Health Violations

Any person who violates any rule adopted under section 381.00315, Florida Statutes, any isolation or quarantine, or any requirement adopted by the Department of Health in accordance with a declared public health emergency, commits a misdemeanor of the second degree. Due to the danger to the public health for such a violation, the bond amount shall be set at “no bond.” See *Varholy v. Sweat*, 15 So. 2d 267 (Fla. 1943) (“To grant release on bail to persons isolated and detained on a quarantine order because they have a contagious disease which makes them dangerous to others, or to the public in general, would render quarantine laws and regulations nugatory and of no avail.”). This provision does not preclude the judge

presiding at first appearance hearings from modifying the “no bond” status if appropriate.

4. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2020-018.

5. Effective Date

This administrative order is effective immediately.

ENTERED in Tampa, Hillsborough County, Florida, on March 26, 2020.


Ronald N. Ficarrota, Chief Judge

Original to: Pat Frank, Clerk of the Court

Copy to: All Judges

Andrew H. Warren, State Attorney

Julianne Holt, Public Defender

Chad Chronister, Hillsborough County Sheriff

Brian Dugan, Chief of Police, City of Tampa

Kenneth R. Albano, Chief of Police, City of Temple Terrace

Edward Duncan, Chief of Police, City of Plant City

Beverly Hunt Diehr, Chief Legal Counsel, Florida Department of Health