

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

**ADMINISTRATIVE ORDER S-2021-055
(Supersedes Administrative Order S-2020-050)**

COUNTY CRIMINAL DIVISION

Based on the re-establishment of County Criminal Division “B” by Administrative Order S-2021-039, it is necessary for the proper and efficient administration of justice to revise the assignment of misdemeanor and criminal traffic offenses in the County Criminal Division. 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 General Practice and Judicial Administration 2.215(b)(2); it is ORDERED:

1. Definitions

For the purposes of this administrative order, the following terms have the following meanings:

“County ordinance violation” means a violation of a Hillsborough County ordinance which (a) is initiated by summons, notice to appear, or arrest; (b) includes incarceration as potential punishment; and (c) excludes county ordinance violations assigned to the County Civil Division.

“Domestic violence case” means any misdemeanor case arising from the conduct of one family or household member (as defined in section 741.28, Florida Statutes) against another, including assault, battery, harassment, stalking, and misdemeanor violations of section 741.31, Florida Statutes.

“Misdemeanor” means any criminal offense, including any criminal traffic offense, that is punishable under the laws of this state not in excess of 1 year in the county jail.

“Municipal ordinance violation” means a violation of an ordinance of a municipality which (a) is initiated by summons, notice to appear, or arrest; (b) includes incarceration as potential

punishment; and (c) excludes municipal ordinance violations assigned to the County Civil Division.

“Standard division” means County Criminal Division “A,” “B,” “C,” “D,” “E,” “P,” or “X.”

2. Divisions

There are nine criminal divisions of the County Court, including Division “O.” See Administrative Order S-2020-007 (*Criminal Division “O” – Preliminary Proceedings*) or any subsequent administrative order for the provisions governing this specialized subdivision of the county criminal division. Divisions “A,” “B,” “C,” “D,” “E,” “F” (domestic violence), and “O” are based in Tampa. East County Divisions “P” and “X” are based in Plant City. See Administrative Order S-2019-043 (*East Division*) or any subsequent administrative order for the geographical boundaries of the East Division.

3. Assignment of Cases

A. East County Misdemeanors

The Clerk of the Court (clerk) will assign all misdemeanors (including domestic violence cases) in which the offense occurred within the East Division boundaries to East County Criminal Divisions “P” or “X” based on the first letter of the defendant’s last name according to the following alphabetical distribution:

East County Criminal Division	First Letter Of Defendant’s Last Name
“P”	A, B, C, D, E, F, G, H, I, J, K, L
“X”	M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z

B. Tampa Misdemeanors

i. Newly-Filed Cases

Except for domestic violence cases, on and after the effective date of this administrative order, the clerk will assign all other misdemeanors in which the offense occurred outside of the East Division boundaries to a county criminal division based on the first letter of the defendant’s last name according to the following

alphabetical distribution:

Tampa County Criminal Division	First Letter Of Defendant's Last Name
"A"	A, G, O, S, U
"B"	B, F, I, P, Q, Z
"C"	D, E, M, N, V, X, Y
"D"	C, K, R, T
"E"	H, J, L, W

ii. *Transferred Cases*

In order to initially populate County Criminal Division "B," certain cases from the other county criminal divisions will be transferred to County Criminal Division "B." The clerk will coordinate the transfer of cases with the administrative judge.

C. Domestic Violence Cases

i. Tampa Cases

All domestic violence cases in which the alleged offense occurred outside of the East Division boundaries will be assigned to Division "F."

ii. Pending Domestic Violence (DV) Case & New Non-DV Misdemeanor Case

If a defendant who has a domestic violence case pending or who is on probation in Division "F," East County Criminal Division "P" or East County Criminal Division "X" is subsequently charged with a new non-domestic violence misdemeanor charge, the new misdemeanor charge will be assigned to Division "F," East County Criminal Division "P" or East County Criminal Division "X," respectively.

iii. Pending Non-DV Misdemeanor Case & New Domestic Violence Case

If a defendant has a case pending in a standard division and is subsequently charged with a domestic violence offense, the domestic violence case will be assigned to Division "F," East County Criminal Division "P" or East County Criminal Division "X." The

defendant may then file a motion to transfer the case pending in the standard division to Division “F” so that both pending cases are heard in Division “F.” The discretionary motion to transfer will be considered by the presiding standard division judge.

iv. Multiple Cases with Same Offense Date

If a defendant is charged with multiple county court cases with the same offense date, and one of the cases is a domestic violence case, all of the cases will be assigned to Division “F.”

v. Serving Probation for a Non-DV Case & New Domestic Violence Case

If a defendant is on probation in a standard division and is subsequently charged with a domestic violence case, the clerk will file the domestic violence case in Division “F” or East County Criminal Division “P” or “X” and the probation case will remain in the standard division in which the violation is pending.

D. County Ordinance Violations

i. Plant City Courthouse

The clerk will assign all county ordinance violations in which the offense occurred within the East Division boundaries to East County Criminal Divisions “P” or “X” based on the first letter of the defendant’s last name according to the following alphabetical distribution:

East County Criminal Division	First Letter Of Defendant’s Last Name
“P”	A, B, C, D, E, F, G, H, I, J, K, L
“X”	M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z

ii. Tampa Courthouse

The clerk will assign all county ordinance violations in which the offense occurred outside of the East Division boundaries to County Criminal Division “D” unless ancillary to a criminal offense.

E. Municipal Ordinance Violations

i. Plant City Courthouse

The clerk will assign all City of Plant City municipal ordinance violations to East County Criminal Division “P” or “X” based on the first letter of the defendant’s last name according to the following alphabetical distribution:

East County Criminal Division	First Letter Of Defendant’s Last Name
“P”	A, B, C, D, E, F, G, H, I, J, K, L
“X”	M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z

ii. Tampa Courthouse

The clerk will assign all City of Tampa and City of Temple Terrace municipal ordinance violations to County Criminal Division “D.”

F. Scheduling of Ordinance Violations

If a notice to appear contains a court date and it is signed by the defendant, the clerk will set the case for arraignment on that date. If the notice to appear contains a court date but is not signed by the defendant, the clerk will mail notice or issue a summons to the defendant for arraignment on that date. If a notice to appear or arrest affidavit consists of both a criminal offense and a municipal ordinance violation, the clerk must treat the municipal ordinance violation as ancillary and assign the case in accordance with the assignment provisions for the criminal offense.

G. Transfer of Pending Cases to Probation Division

Except as provided in section 3(C) of this administrative order dealing with domestic violence cases, if a defendant is on misdemeanor probation in one division and has a misdemeanor case or cases pending in other divisions, then all pending misdemeanor cases of the defendant will be transferred to the division in which the defendant is on probation.

H. Violation of Probation

The clerk will assign all violation of probation hearings to the

county criminal division in which the defendant was sentenced to probation. Defendants who are incarcerated on a technical violation of probation will be set for arraignment within 7 working days. A technical violation of probation is any alleged violation of probation that does not involve the commission of a new criminal offense.

I. Transfer between Tampa and Plant City

When a new misdemeanor case is filed in a Tampa division, the clerk will determine if the defendant has any cases pending in the East Division (Plant City). When a new misdemeanor case is filed in an East County Division, the clerk will determine if the defendant has any cases pending outside of the East Division. Cases pending in both Tampa and Plant City on the same defendant will be assigned to the division with the oldest offense date and transferred appropriately.

4. Initial Probable Cause Determination under the Florida Contraband Forfeiture Act

A. Assignment of Probable Cause Application

When a seizure of property is made under the Florida Contraband Forfeiture Act, the seizing law enforcement agency must timely apply *ex parte* to the presiding judge of County Criminal Division “C” for an initial order determining whether probable cause exists for the seizure of the property.

B. Process

Applications and orders will be filed in the Clerk’s Administrative File via the following process. Law enforcement agency attorneys will submit their application via e-mail to the judicial assistant of County Criminal Division “C” who will forward the application to the clerk for assignment of a Clerk’s Administrative File number. Upon the judge determining whether probable cause exists, the judicial assistant will notify the law enforcement agency attorney, request an appropriate order be submitted, and provide the Clerk’s Administrative File number that has been assigned to the application. The law enforcement agency attorney will then submit a proposed order through the Florida Courts E-Filing Portal (Portal) using the Clerk’s Administrative File number.

C. Confidentiality

If the law enforcement agency wishes the court to seal any portion of the application or sworn affidavit, it must e-mail to the judicial assistant of County Criminal Division “C” a separate Motion to Determine Confidentiality of Court Records simultaneously with the application. In accordance with the procedure outlined in Florida Rule of General Practice and Judicial Administration 2.420(e), the application and sworn affidavit “must be treated as confidential by the clerk pending the court’s ruling on the motion.” Upon the judge making a decision on the Motion to Determine Confidentiality of Court Records, the judicial assistant will notify the law enforcement agency attorney, request an appropriate order be submitted, and provide the Clerk’s Administrative File number that has been assigned to the application and motion. The law enforcement agency attorney will then submit a proposed order through the Portal using the Clerk’s Administrative File number.

D. Complaint Filed in the Circuit Civil Division

If the seizing law enforcement agency files a complaint to proceed against the contraband article, the complaint will be filed in the Circuit Civil Division. All adversarial preliminary hearings under the Florida Contraband Forfeiture Act will be scheduled in an assigned division of the Circuit Civil Division. See Administrative Order S-2021-014 (*Circuit Civil Division*) or any successor administrative order.

5. Emergency Matters

When the judge of any division is absent for any reason, any emergency application applying to a case assigned to such division may be presented and heard by the administrative judge or a designee of the administrative judge.

6. Arraignments

A. Notice to Appear or Released from Custody

Arraignments for persons who are issued a notice to appear or who are released from custody pre-trial will be heard in the division assigned under section 3 of this administrative order.

B. Persons Still Incarcerated

Arraignments for persons arrested and still incarcerated on certain misdemeanor charges will be heard via audiovisual technology in Courtroom 17. The presiding judge of Criminal Division “O” is assigned to preside over the video arraignment hearings. Arraignment hearings will be held semiweekly on non-holiday weeks and may be scheduled by the presiding judge once per week on a holiday week. Cases not resolved at video arraignment will be set by the clerk for court in their assigned division within 10 working days. Failure to file a charging document by the arraignment date does not entitle the defendant to release or preclude prosecution on the offense. Persons charged with driving under the influence (§316.193, Fla. Stat.), domestic violence cases (as defined in §741.28, Fla. Stat.), battery (§784.03, Fla. Stat.), or violation of an injunction (§§39.504, 741.31, 784.047, 784.0487, and 825.1036, Fla. Stat.) will be set for arraignment in their assigned division rather than in Criminal Division “O.”

C. Persons Scheduled for Arraignment in Assigned Division but then Incarcerated on Subsequent Charge

Any person who is scheduled for arraignment in the standard division assigned under section 3 of this administrative order but who is then incarcerated in jail on a subsequent charge will not be transported by the sheriff to the assigned courtroom. Instead, the arraignment for the person on the misdemeanor charge(s) will be heard by the presiding judge of Criminal Division “O” via audiovisual technology in Courtroom 17 according to the following procedure. The clerk in the assigned standard division will receive a jail sheet from the bailiff indicating the defendants who are scheduled for arraignment that day and are incarcerated in the county jail. When the defendant’s case is called in the assigned standard division, the clerk will announce the next available arraignment date in Criminal Division “O” and annotate the case abstract with this information. The arraignment will then be set for that next available date in Courtroom 17.

7. Motions

A. Setting Motion for Hearing

To set a motion for hearing, the attorney must contact the judicial assistant in the appropriate division to obtain a motion calendar date. All motions, other than a Motion for Discharge or Motion for Speedy Trial, that are intended to be scheduled for hearing must be e-filed simultaneously with a Notice of Hearing after coordinating the hearing time with the opposing attorney or party.

B. Deadline

All motions and notices of hearing must be filed by at least 12:00 p.m. on the business day before the scheduled hearing. If a motion and notice of hearing are not timely filed, the motion will not appear on the calendar and it will be deemed abandoned until properly noticed in accordance with this section.

C. Case Law

Any party wishing to use case law for arguing in support of or in opposition to a filed motion must provide an electronic copy of the case law along with a copy of the notice of hearing and motion to the presiding judge's office and to opposing counsel or opposing party at least two business days prior to the motion hearing.

D. Modification of Bail

Except for bond and release on recognizance motions which are filed and heard in Division "O" prior to a defendant's scheduled arraignment, all other motions for modification of bail will be scheduled and heard in the division assigned under section 3 of this administrative order.

E. Speedy Trial

Motions for Discharge, Motions for Speedy Trial, and Notices of Expiration of Time for Speedy Trial are the only motions and notices accepted by the clerk without a Notice of Hearing. Upon receipt of a Motion for Discharge, Motion for Speedy Trial, or a Notice of Expiration of Time for Speedy Trial, the clerk will immediately contact the judicial assistant for a hearing time. After obtaining a hearing time, the clerk will notify all necessary parties.

F. Motions filed by Self-Represented Parties

The clerk will e-mail all motions filed by self-represented defendants to the presiding judge and judicial assistant. If the motion needs to be set for hearing, the judicial assistant will send a memorandum with the date, time and necessary instructions for the clerk to send appropriate notice to the parties involved.

8. Setting Cases for Trial

If a defendant is entitled to a jury trial but elects to have a non-jury trial, the defendant must personally sign and file with the court a *Waiver of Jury Trial* form. A written document requesting a trial date without specifying a jury or non-jury trial will be deemed a request for a jury trial unless a *Waiver of Jury Trial* form has been previously filed. If a non-jury trial date is to be set at arraignment or pre-trial conference, and a *Waiver of Jury Trial* form has not been filed, the defendant must be present at the arraignment or pre-trial conference.

9. Jury Pre-Trial Conference

A. Presence of Defendant

The defendant must be present at any jury pre-trial conference unless the defendant has signed and filed a written *Waiver of Appearance* form.

B. Presence of Attorneys

The attorneys who are to conduct a jury trial are expected to appear at the pre-trial conference. If an attorney who is to conduct the trial does not attend the pre-trial conference, the attorney who appears must be fully advised about the case and be fully prepared to resolve any issues which may arise.

C. Resolution of Pre-Trial Motions

Except for good cause shown, all evidentiary and other motions must be filed, heard and resolved prior to the pre-trial conference.

D. Completion of Discovery

All discovery, including the taking of depositions, must be

completed before the pre-trial conference.

E. Plea Negotiations

The parties are encouraged to discuss plea negotiations before the pre-trial conference. If the court approves the negotiations, a plea will be accepted at the pre-trial conference or at such time designated by the court.

F. Continuance

Any continuance granted after the pre-trial conference will be governed by Florida Rule of Criminal Procedure 3.190(f) and will be granted only upon written motion and order.

G. Ready for Jury Trial

By agreeing at the pre-trial conference that a case is ready for jury trial, the parties represent to the court that:

- i. The attorneys are fully prepared for trial.
- ii. The witnesses expected to testify at the trial have been interviewed, if desired, and will be present at trial.
- iii. All discovery is complete and all pre-trial motions have been considered and resolved.

10. Criminal Traffic Offenses

A. Failure to Appear

Upon the filing of a uniform traffic citation, the clerk will automatically set a court date and notify the defendant at the address provided on the citation or at the address listed on the most recent filing in the court file. If the defendant fails to appear at the hearing set by the clerk, the court may issue a capias for the arrest of the defendant, together with a Form D-6 (license suspension). The capias will be issued with an appropriate bond amount to ensure the defendant's appearance before the court. A capias may be issued when the defendant is a minor, but the minor will be released on the minor's own recognizance.

B. Companion Civil Traffic Infractions

When a defendant receives a criminal traffic citation together with a companion citation for a civil infraction, all citations will, when possible, remain together and will be scheduled on the court's calendar on the same date.

C. Plea

All persons charged with a criminal traffic offense must enter a plea in open court before the judge. Any person charged with a criminal traffic offense and who enters a plea of not guilty in open court will not be permitted to change such plea unless in open court. The term "open court" generally means in a courtroom or in a publicly accessible hearing room with the judge, the clerk, the state attorney or an assistant state attorney, the defendant, and if represented by an attorney, the defendant's attorney being present. During COVID-19 mitigation efforts, the term "open court" also includes a publicly accessible hearing conducted by audiovisual conferencing.

11. Attorney of Record

In accordance with the spirit of Florida Rule of General Practice and Judicial Administration 2.505(f), once an attorney appears on the record representing a defendant, that attorney is the attorney of record until relieved by a written order of the court. No attorney of record will be permitted to withdraw unless a motion to withdraw is filed, heard and granted at least 30 days prior to trial.

12. Reassignment of Case upon Judge's Disqualification

A. East County

If either of the judges presiding in East County Criminal Divisions "P" or "X" enters an order of disqualification, the clerk will reassign the case to the other East County Criminal Division. If both east county criminal division judges have entered orders of disqualification in a non-domestic violence case, the clerk will reassign the case to a Tampa county criminal division based on the first letter of the defendant's last name according to the following alphabetical distribution:

Tampa County Criminal Division	First Letter Of Defendant's Last Name
"A"	A, G, O, S, U
"B"	B, F, I, P, Q, Z
"C"	D, E, M, N, V, X, Y
"D"	C, K, R, T
"E"	H, J, L, W

B. Domestic Violence Cases

If either of the judges presiding in East County Criminal Divisions "P" or "X" enters an order of disqualification in a domestic violence case, the clerk will reassign the case to the other East County Criminal Division. If both east county criminal division judges have entered orders of disqualification in a domestic violence case, the clerk will reassign the case to Tampa County Criminal Division "F." If the judge assigned to County Criminal Division "F" enters an order of disqualification, the clerk will reassign the case to a Tampa county criminal division based on the first letter of the defendant's last name according to the following alphabetical distribution:

Tampa County Criminal Division	First Letter Of Defendant's Last Name
"A"	A, G, O, S, U
"B"	B, F, I, P, Q, Z
"C"	D, E, M, N, V, X, Y
"D"	C, K, R, T
"E"	H, J, L, W

C. Other County Criminal Cases

If a judge presiding in any other Tampa division enters an order of disqualification on any case, including municipal ordinance or county ordinance violation cases, the clerk will randomly and equitably reassign the case to another Tampa county criminal division.

13. Professional Conduct and Courtroom Decorum

Counsel will adhere to The Florida Bar’s Guidelines for Professional Conduct,¹ The Florida Bar’s Professionalism Expectations,² and the Hillsborough County Bar Association’s Standards of Professionalism.³ Each judge may announce and enforce additional requirements, or may excuse compliance with any provision(s) of the Guidelines, Expectations or Standards as that judge deems appropriate.

14. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2020-050 (*County Criminal Division*).

15. Effective Date

This administrative order is effective November 1, 2021.

ENTERED on September 23, 2021.



Ronald N. Ficarrotta, Chief Judge

- Original: Cindy Stuart, Clerk of the Court
- Copy to: All County Criminal Division Judges
- Andrew H. Warren, State Attorney
- Julianne Holt, Public Defender
- Ita M. Neymotin, Regional Counsel, Second District
- Ruben Delgado, Acting Chief, Tampa Police Department
- Kenneth R. Albano, Chief, Temple Terrace Police Department
- James Bradford, Chief, Plant City Police Department
- Christopher Daniel, Chief, USF Police Department
- Charlie Vazquez, Chief, TIA Police Department
- Hillsborough County Bar Association

¹ <https://www.floridabar.org/prof/presources/presources002/>

² <https://www.floridabar.org/wp-content/uploads/2017/04/professionalism-expectations.pdf>

³ <https://www.hillsbar.com/page/Professionalism>